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UMURYANGO W'ABIBUMBYE



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Mpanabyaha Mpuzamahanga

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POROKIRERI

aburana na

JEAN UWINKINDI

RAPORO Y'UBUGENZUZI Y'UKWAKIRA 2014

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AMASHAKIRO

I. INTANGIRIRO	3
II. RAPORO MU MAGABO ARAMBUYE	3
A. Ubutumwa bwa mbere bw'ubugenzuzi	3
Iburanisha ryo ku itariki ya 1 Ukwakira 2014	3
Iburanisha ryo ku itariki ya 2 Ukwakira 2014	5
Gusuzuma dosiye y'urubanza ku itariki ya 2 Ukwakira 2014	7
Kubonana n'ukuriye ikipe y'Ubushinjacyaha muri uru rubanza ku itariki ya 2 Ukwakira 2014	7
Kubonana n'umwunganizi mukuru ku itariki ya 3 Ukwakira 2014	8
B. Ubutumwa bwa kabiri bw'ubugenzuzi	8
Iburanisha ryo ku itariki ya 15 Ukwakira 2014	8
Iburanisha ryo ku itariki ya 16 Ukwakira 2014	9
Kubonana mu buryo butateguwe n'Umwunganizi mukuru wa Uwinkindi mu karuhuko k'Urukiko	12
Iburanisha ryo ku itariki ya 16 Ukwakira 2014 (rirakomeje)	12
Gusuzuma dosiye y'urubanza ku itariki ya 16 Ukwakira 2014	13
Kubonana n'Uwinkindi n'umwunganizi mukuru ku itariki ya 16 Ukwakira 2014	13
C. Ubutumwa bwa gatatu bw'ubugenzuzi	15
Iburanisha ryo ku itariki ya 22 Ukwakira 2014	15
Iburanisha ryo ku itariki ya 23 Ukwakira 2014	16
III. UMWANZURO	17

I. INTANGIRIRO

1. Iyi raporo yerekeye ibyakozwe mu rubanza rwa Uwinkindi ruburanishwa n'inkiko zo mu Rwanda hamwe n'ibiganiro abagenzuzi bashyizweho n'Urwego Rwashyiriweho Inkiko Mpanabyaha Mpuzamahanga («MICT») bagiranye n'abafatanyabikorwa banyuranye, mu Ukwakira 2014 («igihe kirebwa n'iyi raporo»).
2. Mu gihe kirebwa n'iyi raporo, abagenzuzi bashyizweho – Madamu Jelena Gudurić, Porofeseri Zbigniew Lasocik na Madamau Xheni Shehu («umugenzuzi» iyo ari umwe, «abagenzuzi» iyo bafatiwe hamwe) buri wese yakoze urugendo rumwe mu Rwanda¹.
3. Mu gihe kirebwa n'iyi raporo, urubanza rwaburanishijwe inshuro 6: ku itariki ya 1, iya 2, iya 15, iya 16, iya 22 n'ya 23 Ukwakira 2014. Muri izo nshuro zose, abacamanza bose bagize inteko bari bahari. Uwinkindi yari ahari kandi yunganirwaga n'avoka we mukuru witwa Gatera Gashabana n'avoka wungirije witwa Jean-Baptiste Niyibizi («Ubwunganizi»). Ubushinjacyaha bwari buhagarariwe na Jean-Bosco Mutangana na Bonaventure Ruberwa («Ubushinjacyaha cyangwa Porokireri»). Muri iryo buranisha ryose, Ubwunganizi bwatanze imyanzuro yabwo busubiza ibivugwa mu Nyandiko y'ibirego no mu myanzuro mu ikubitiro mu magambo yatanzwe na Porokireri, buvuga ko mu Nyandiko y'ibirego harimo inenge zo mu rwego rw'amategeko n'izishingiye ku byabaye. Abagenzuzi bakurikiranye iburanisha ryabaye kuri ariya matariki yose bifashishije umusemuzi.
4. Iburanisha rizasubukurwa ku itariki ya 12 Ugushyingo 2014, igihe hitezwe ko Ubushinjacyaha buzatanga igisubizo ku myanzuro y'Ubwunganizi.
5. Uretse gukurikirana iburanisha, abagenzuzi babonanye n'Uwinkindi, n'avoka we mukuru, n'umukozi uhagarariye Ubushinjacyaha, kandi basuzumye inyandiko zikubiye muri dosiye y'urubanza².
6. Ibikorikira ni raporo mu magambo arambuye y'ibyo abagenzuzi bakoze mu gihe kirebwa n'iyi raporo.

II. RAPORO MU MAGABO ARAMBUYE

A. Ubutumwa bwa mbere bw'ubugenzuzi

Iburanisha ryo ku itariki ya 1 Ukwakira 2014

7. Urukiko rwatangiye iburanisha ruvuga ko icyo rubanza gukora mu ikubitiro, ari ugusuzuma ikibazo cy'ingamba zo kurinda umutekano w'abatangabuhamya

¹ Ubutumwa bwa Madamu Shehu mu Rwanda bwabaye kuva ku itariki ya 1 kugeza ku ya 3 Ukwakira 2014; ubwa Madamu Gudurić bwabaye kuva ku itariki ya 14 kugeza ku ya 16 Ukwakira 2014; ubwa Porofeseri Lasocik kuva ku itariki ya 21 kugeza ku ya 23 Ukwakira 2014. Buri mugenzuzi yateguye igice cy'iyi raporo kirebana n'ubutumwa bwe.

² Abagenzuzi babonanye n'Uwinkindi basuzuma inyandiko ziri muri dosiye ye bifashishije umusemuzi.

bashinjura. Urukiko rwategetse abantu bose bari aho gusohoka, uretse ababuranyi. Umugenzuzi yubahirije iryo tegeko, arasohoka.

8. Iburanisha mu ruhame risubukuwe, Urukiko rwatanze incamake y'ibibazo rwari rwasuzumiye mu muhezo³. Urukiko rwatanze umwanzuro warwo mu magambo ku ngamba zo kurinda umutekano w'abatangabuhamya bashinjura. Rwasobanuye ko mu batangabuhamya 11 bashinjura, umwe gusa ari we udashaka gutanga ubuhamya mbere yo kubonana n'avoka wa Uwinkindi, kandi abatangabuhamya babiri ntibari iwabo igihe Gerefiye yashakaga kubona amakuru yabo. Hashingiwe ku Ngingo ya 15 y'Itegeko rigena kwimurira imanza mu Rwanda⁴, Urukiko rwategetse ko hashyirwaho ingamba zo kurinda umutekano w'abatangabuhamya umunani bashinjura basigaye. Ikindi, Urukiko rwategetse ababishinzwe, kumenya aho abo batangabuhamya basigaye babarizwa, no kumenya niba bakeneye ingamba zo kubarindira umutekano bakabimenyeshya Urukiko.
9. Ubwunganizi bwatanze imyanzuro yo mu ikubitiro mu magambo⁵. Uwinkindi yabanje guhabwa ijambo, abwira Urukiko ko atemera ibyaha byose Porokireri amurega. Yavuze ko azatanga ibimenyetso bihagije bimushinjura, hanyuma aha avoka we umwanya kugira ngo akomeze gutanga imyanzuro.
10. Avoka wa Uwinkindi yavuze muri make ku birego biri mu Nyandiko y'ibirego, avuga ko atemera ibyaha byihariye Uwinkindi aregwa n'ibimenyetso Porokireri yatanze mu myanzuro yo mu ikubitiro mu magambo. Ubwunganizi bwavuze ibyo bunenga mu ikubitiro bikurikira: (1) Porokireri yashinje mu buryo butari bwo Uwinkindi icyaha cyo gukora jenocide, kandi na none mu buryo butari bwo yongera mu Nyandiko y'ibirego icyaha cyo kuba Uwinkindi ataragize icyo akora ngo aburizemo jenocide⁶, kandi (2) Inyandiko y'ibirego n'imyanzuro yo mu ikubitiro mu magambo ya Porokireri, ntibisobanura neza bihagije ahantu n'igihe ibyaha bivugwa byakorewe⁷.
11. Ubwunganizi kandi bwavuze ko mu myanzuro yo mu ikubitiro mu magambo, Porokireri yongeyeho, mu buryo butari bwo, ibirego bishya bitari mu Nyandiko y'ibirego, by'umwihariko ko Uwinkindi yagize umurava mu kohereza abicanyi guhiga Abatutsi. Ubwunganizi busubiramo ibiteganywa n'Ingingo ya 14 y'Itegeko rigena

³ Umugenzuzi asanga incamake ihuye n'ibyanditswe mu nyandikomvugo y'iburanishwa ryo mu muhezo, umugenzuzi yasomye ku itariki ya 2 Ukwakira 2014. Reba igika 28 hepfo.

⁴ Ingingo ya 15 y'Itegeko N°47/2013 ryo ku wa 16/06/2013 rigena Kwimurira imanza muri Repubulika y'u Rwanda («Itegeko rigena kwimurira imanza»), yiswe «Umutekano w'abatangabuhamya n'inkunga ibagenerwa», mu gika cya 1 iteganya ko: « Mu manza zimuriwe mu Rwanda zivuye muri TPIR, mu Rwego cyangwa mu bindi bihugu, Urukiko Rukuru rugena uburyo bukwiye bwo kurinda umutekano w'abatangabuhamya, kandi rufite ububasha bwo gutegeka ko hashyirwaho ingamba zo kubarindira umutekano zimeze kimwe n'izivugwa mu Ngingo ya 53, iya 69, n'iya 75 z'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso y'Urwego».

⁵ Umugenzuzi asanga, mu myanzuro yabwo yo mu ikubitiro mu magambo, Ubwunganizi bwavuze mbere na mbere ku nyandiko ebyiri: «Imyanzuro y'Ubwunganizi» yatanze ku itariki ya 13 Mutarama 2014 (impande ziburana ziyita kandi «Imyanzuro y'Ubwunganizi isubiza ibiri mu Nyandiko y'ibirego») na «Ingingo z'inyongera ku Myanzuro» yatanze ku itariki ya 3 Kamena 2014.

⁶ Reba Rapororo y'ubugenzuzi mu rubanza rwa Uwinkindi (Mutarama na Gashyantare 2014).

⁷ Reba Rapororo y'ubugenzuzi mu rubanza rwa Uwinkindi (Mutarama na Gashyantare 2014).

kwimura imanza⁸, bwavuze ko Uwinkindi atamenyeshejwe ibi birego kandi busaba Urukiko kutabyemera. Bwasubiye kandi mu bivugwa mu Ngingo ya 18 y'Itegeko Nshinga ry'u Rwanda⁹, buvuga ko Porokireri adashobora gukoresha amategeko mpanabyaha yo mu Rwanda kugira ngo asobanure ibyaha bya jenocide n'ibyaha byibasiye inyokomuntu (ni ukuvuga ingingo ya 114 n'ya 115, n'Ingingo ya 120 n'ya 121 z'Amategeko Ahana), kubera ko ayo mategeko yemejwe nyuma y'uko ibyo byaha bivugwa bikorwa¹⁰.

12. Igihe avoka umwunganira yatangaga imyanzuro, Uwinkindi yagiye asaba uruhushya rwo kugeza ijambo ku Rukiko no gusobanura ibibazo bimwe na bimwe. Urukiko rwasobanuriye Uwinkindi ko niba yifuza kugira ibintu yongera ku ngingo z'abamwunganira, agomba gutegura imyanzuro yihariye.
13. Urukiko rwasubitse iburanisha, rwemeza ko rizasubukurwa ku itariki ya 2 Ukwakira 2014.

Iburanisha ryo ku itariki ya 2 Ukwakira 2014

14. Iburanisha ritangira, Ubwunganizi busubiza ikibazo cy'Urukiko, bwemeje ko mu iburanisha ryabaye ejo hashize, bwagejeje ku Rukiko ilisiti y'abatangabuhamya umunani bashyiriweho ingamba zo kubarindira umutekano.
15. Ubwunganizi bwakomeje gutanga imyanzuro yo mu ikubitiro mu magambo, bwibanda by'umwihariko ku byo buvuga ko ari ibintu bivuguruzanya mu Nyandiko y'ibirego no mu buhama bwanditse bw'abatangabuhamya bashinja ku birebena n'ibirego bivuga ku cyaha cya jenocide.
16. Igihe Uwinkindi yatangaga ingingo zijyanye na kimwe mu byaha ashinjwa, yasabye uruhushya rwo gusobanurira Urukiko ibintu bimwe. Urukiko rwasanze ibyo Uwinkindi avuga bitandukanye n'ingingo zanditse z'avoka we. Avoka we yashubije ko Uwinkindi yasobanuraga gusa ibyanditse mu myanzuro. Urukiko rumaze kongera kugaragaza ko ibyo Uwinkindi avuga ku bintu byabaye atari bimwe n'ibivugwa na avoka we, avoka yavuze ko ibigomba kwandikwa ari ibyavuzwe n'umwunganizi.
17. Nyuma y'isubikwa ry'iburanisha, Urukiko rwavuze ko Uwinkindi yasabye inshuro nyinshi kugira ibyo asobanura kandi avoka yari amaze kuvuga ku mapaji make gusa y'imyanzuro y'Ubwunganizi. Urukiko rwabajije niba Uwinkindi yifuza kwitangira ibisobanuro, kuko ubundi ari avoka ugomba gutanga ingingo.

⁸ Ingingo ya 14 y'Itegeko ryo Kwimura Imanza, ifite umutwe uvuga ngo «Uburenganzira bw'uregwa», mu gika cya 3 iteganya ko: «[uregwa afite uburenganzira bwo] [...] kumenyeshwa bidatinze, mu rurimi yumva kandi mu magambo arambuye, imiterere n'ishingiro ry'ibyo aregwa».

⁹ Ingingo ya 18 y'Itegeko Nshinga rya Repubulika y'u Rwanda ryo ku wa 4 Kamena 2003, mu gika cya 2 iteganya ko: «Nta wushobora gukurikiranwa, gufatwa, gufungwa cyangwa guhanirwa icyaha keretse mu gihe biteganywa n'amategeko akurikizwa mu gihe icyaha akurikiranyweho cyakorewe».

¹⁰ Reba Itegeko Ngenga Rishyiraho Igitabo cy'Amategeko Ahana, N° 01/2012/OL ryo ku wa 2 Gicurasi 2012. Ingingo ya 114 itanga igisobanuro cy'icyaha cya jenocide naho iya 115 ikagena ihanwa ryacyo. Ingingo ya 120 itanga igisobanuro cy'icyaha cyibasiye inyokomuntu naho ingingo ya 121 ikavuga uko gihanwa. Reba ibisobanuro byo hasi ku rupapuro bifite n° 12 na 15 hepfo.

18. Porokireri yasabye uruhushya rwo kugira icyo ageza ku Rugereko, hanyuma abaza uko imiburanishirize igenda ku birebana n'itangwa ry'imyanzuro y'Ubwunganizi. Porokireri asubira mu Ngingo ya 153(5) y'Itegeko ryerekeye imiburanishirize y'imanza z'inshinjabyaha¹¹, yavuze ko Uwinkindi agomba kwiregura noneho avoka we akamwunganira. Porokireri avuga ko ibikorwa binyuranyije n'iyo ngingo, abavoka ba Uwinkindi baramushinjura naho we akabunganira.
19. Uwinkindi yashubije ko atumva impamvu Porokireri afite ikibazo ku byerekeye imiburanishirize, avuga ko yireguye igihe bamusomeraga ibirego. Yavuze ko atazi aho ibyaha byakorewe kandi ko Porokireri atinza urubanza.
20. Urukiko rwagaragaje ko rutewe impungenge n'imiterere n'uburebure bw'ingingo zitangwa kandi ruvuga ko Uwinkindi yagombye kuvuga uko abona ibintu. Urukiko rwasobanuye ko Uregwa yagombye gusobanura ibintu, noneho avoka akamwunganira mu by'amategeko.
21. Umwunganizi yashubije ko n'ubwo Ingingo ya 153(5) y'Itegeko ryerekeye imiburanishirize y'imanza z'inshinjabyaha ikoreshwa mu gihe uregwa yemeye icyaha, nta cyo ivuga mu gihe uregwa atemeye ibyo ashinjwa. Abunganizi bavuze ko batumva ingingo za Porokireri zirebana n'imikorere y'Ubwunganizi, kuko umurongo wo kwiregura n'uburyo bwo kubikora bitegurwa n'abavoka hamwe n'uwo bunganira, nk'ikipe. Abavoka bamaze kuvuga ko bateguye igisubizo ku bivugwa mu Nyandiko y'ibirego, bakomeje kwemeza ko uregwa utazi amategeko adashobora kwiburanira.
22. Urukiko rumaze gusubiramo ko Uwinkindi yafashe ijamba inshuro nyinshi kandi ko ingingo zitangwa ziramutse zidasobanutse neza bitari mu nyungu z'Ubwunganizi, rwavuze ko Uwinkindi agomba gutanga ingingo zirebana n'ibintu byabaye, hanyuma abavoka be bagatanga ingingo zo mu rwego rw'amategeko bashyigikira ibyo avuga.
23. Porokireri yibukije Urukiko ko hashingiwe ku Ngingo ya 153(5), uregwa agomba kwiregura avuga kuri buri gikorwa ibyaha ashinjwa bishingiyeho, hanyuma abavoka be bakamwunganira. Porokireri asubiramo ko ari ihame ry'ibanze ko uregwa agomba kwiregura ku bikorwa ashinjwa, yashimangiye ko iburanisha rigomba gukomeza uko bisanzwe nk'uko biteganywa n'Itegeko ryerekeye imiburanishirize y'imanza z'inshinjabyaha.
24. Ubwunganizi bwashubije ko Ingingo ya 153(5) ikoreshwa gusa muri rusange ku birebana n'uburenganzira bwo gushinjurwa, ko itavuga uburyo ingingo zishinjura zigomba gutangwa.
25. Rumaze kumva ingingo z'abaturanyi, Urukiko rwanzuye ko mbere na mbere, Uregwa agomba kuvuga icyo atekereza kuri buri cyaha ashinjwa, hanyuma abavoka be bakaza gutanga ingingo zo mu rwego rw'amategeko.

¹¹ Ingingo ya 153 y'Itegeko ryerekeye imiburanishirize y'imanza z'inshinjabyaha, yiswe «Uburyo urubanza ruburanishwa», mu gika cya 5 iteganya ko: «ushinjwa akiregura, yaba yemera icyaha agasobanura uburyo yagikoze».

26. Uwinkindi yakomeje kwiregura. Urukiko rwamwibukije ko amwe mu mazina ari ay'abatangabuhamya barindiwe umutekano kandi ko agomba gukoresha amazina y'amahimbano bahawe. Uwinkindi yabisabiye imbabazi, kandi ashimangira ko ari ngombwa ko abavoka be batanga ingingo.
27. Uwinkindi yakomeje gutanga ingingo ze kandi asubiza ibibazo binyuranye by'Urukiko birebana n'ibintu bijyanye n'iby ashinjwa.
28. Urukiko rwashyize iburanisha rikurikira ku itariki ya 15 Ukwakira 2014.

Gusuzuma dosiye y'urubanza ku itariki ya 2 Ukwakira 2014

29. Ku itariki ya 2 Ukwakira 2014, umugenzuzi yasuzumye dosiye y'urubanza mu cyumba cyihariye cyari cyateguwe na Gerefiye Mukuru w'Urukiko Rukuru. Umugenzuzi yasuzumye inyandiko zikurikira: inyandikomvugo y'iburanisha ryo ku itariki ya 18 Nzeri 2014; inyandikomvugo y'iburanisha ryo ku itariki ya 1 n'iryo ku itariki ya 2 Ukwakira 2014; «Ingingo z'inyongera ku myanzuro» zatanzwe n'Ubwunganizi ku itariki ya 3 Kamena 2013; n'ilisiti y'abatangabuhamya barindiwe umutekano yatanzwe n'Ubwunganizi ku itariki ya 2 Ukwakira 2014.

Kubonana n'ukuriye ikipe y'Ubushinjacyaha muri uru rubanza ku itariki ya 2 Ukwakira 2014

30. Mutangana, ukuriye ikipe y'Ubushinjacyaha muri uru rubanza, yavuze ko iburanisha mu rubanza rwa Uwinkindi rigeze kure. Yavuze ko yiteze ko Ubwunganizi «buzamara igihe» butanga igisubizo kirambuye ku bikubiye mu Nyandiko y'ibirego. Mutangana yavuze ko asanga Ubushinjacyaha buzatanga ingingo zanditse n'izo mu magambo busubiza imyanzuro mu ikubitiro mu magambo y'Ubwunganizi, kandi ko buzarangiza gutanga ibimenyetso bishinja mu mwaka utaha hagati.
31. Ku birebana n'itangwa ry'ingingo z'Ubwunganizi, Mutangana yasanze Urukiko rwarafashe icyemezo cyo gukomeza kuburanisha hakurikijwe ibiteganywa n'Itegeko ryerekeye imiburanishirize y'imanza z'inshinjabyaha.
32. Ku birebana n'ikibazo cy'uko umugenzuzi atari mu iburanisha ryabaye mu muhezo, Mutangana yasobanuye ko nta cyo ababuranyi bavuze kuri icyo kibazo mu iburanisha ryabaye mu muhezo ku itariki ya 1 Ukwakira 2014. Yavuze ko hashingiwe ku Ngingo ya 21 y'Itegeko rigena kwimura imanza¹², abagenzuzi bashobora gukurikirana iburanisha ribereye mu muhezo. Mutangana yongeyeho ko hagomba gushyirwaho uburyo bwemewe n'Urukiko rwo gufasha mu gusemurira abagenzuzi.

¹² Ingingo ya 21 y'Itegeko rigena kwimura imanza, yiswe «Gukurikirana imanza», mu gika cya 1 iteganya ko: «Hakurikijwe ingingo ya 11 bis D) iv) y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso y'Urwego, Umushinjacyaha w'Urwego ashobora gushyiraho abantu bashinzwe gukurikirana imiburanishirize y'imanza zimuriwe mu Rwanda».

Kubonana n'umwunganizi mukuru ku itariki ya 3 Ukwakira 2014

33. Gashabana, avoka mukuru wa Uwinkindi, yabyukije ikibazo kirebana n'abatangabuhamy bashinjura baba hanze y'u Rwanda, avuga ko icyo ari kimwe mu bibazo bitarakemurwa bafitanye na Minisiteri y'Ubutabera. Yasobanuye ko hashize nk'amezi 18 Ubwunganizi bumenyeshesheje Minisiteri y'Ubutabera ibyo bukeneye mu rwego rw'amafaranga. Minisiteri y'Ubutabera ntiyemeye ibyo Ubwunganizi bwashyize kandi ntabwo iyo minisiteri iragira ikindi gitekerezo gishya izana. Yakomeje gusobanura ko amasezerano arebana n'ibigenerwa abavoka, yashyizweho umukono n'abunganizi na Minisiteri y'Ubutabera, ateganya ko icyo kibazo kizavugwaho n'impande zombi.
34. Gashabana yavuze ko Ubushinjacyaha bwokeje igitutu ikipe y'Ubwunganizi bwemeza ko Ubwunganizi «bushaka ko Leta ikoresha amafaranga menshi». Yashimangiye ariko ko Ubwunganizi buharanira ko buhabwa amafaranga n'igihe bihagije kugira ngo bushobore kurengera uburenganzira bw'Uregwa bwo gucirwa urubanza ruboneye. Yavuze kandi ko urubanza nshinjabyaha mpuzamahanga rw'insobe kandi rubamo inama nyinshi n'imyiteguro myinshi rusaba igihe n'uburyo.
35. Ku birebana n'iburanisha, Gashabana yavuze ko ibintu birushaho kugenda neza mu rubanza rwa Uwinkindi, atanga urugero rw'icyemezo cy'Urukiko cyo guha Ubwunganizi igihe cyo gutanga ingingo mu buryo burambuye. Gashabana yasobanuye ko yiteze ko ikibazo cy'abatangabuhamy bataba mu Rwanda kizaba «ikizami gikomeye» muri uru rubanza.

B. Ubutumwa bwa kabiri bw'ubugenzuziIburanisha ryo ku itariki ya 15 Ukwakira 2014

36. Urukiko rwatangiye iburanisha rutangaza ko rukomeza kumva ibyo Ubwunganizi buvuga ku Nyandiko y'ibirego, by'umwihariko ku birebana n'icyaha cya jenocide.
37. Mu ikubitiro, Uwinkindi yavuze ku bibazo bibiri. Icyamba mbere, yavuze ko yifuza ko itangazamakuru rikosora ibyo ryavuze ko abantu bari bateraniye iwe bishwe n'Interahamwe kuko atari byo yavuze. Icyamba kabiri, yavuze ku byo Porokireri yemeje ko yateshutse ku nshingano ze nk'umushumba, kandi yemeza ko ibyo atari ko byagenze.
38. Urukiko rwasobanuye ko nta bubasha rufite ku banyamakuru n'ukuntu batangaza amakuru yabo, hanyuma rusaba Uwinkindi gukomeza gutanga ingingo ze.
39. Nta zindi ngingo Uwinkindi yatanze. Nyuma yaho avoka we yakomeje kuvuga ku birego bishingiye ku bintu byabaye bivugwa mu Nyandiko y'ibirego.
40. Igihe avoka yatangaga ingingo ze, Urukiko rwagiye runyuzamo rukabaza Uwinkindi ibibazo binyuranye ku bintu byabaye (Urugero: umubare w'abantu bapfuye mu bari bahungiyeye iwe), kandi arabisubiza.

41. Avoka yakomeje kuvuga ku bintu byabaye bivugwa mu Nyandiko y'ibirego, kandi akomeza gusubiramo ko ibirego bimwe biri mu Nyandiko y'ibirego bitasobanuwe mu buryo buhagije kugira ngo Uwinkindi ashobore kubyireguraho¹³.
42. Urukiko rwasubitse iburanisha kugeza umunsi ukurikiyeho kugira ngo rukomeze kumva ingingo z'Ubwunganizi.

Iburanisha ryo ku itariki ya 16 Ukwakira 2014

43. Urukiko rumaze gutangiza iburanisha, rwavuze ko umunsi wabanjirije uwo rwari rwumvise amagambo Uwinkindi yavuze ku cyaha cya jenocide, kandi ko uwo munsi rukomeza kumva ibyo avuga ku byaha byibasiye inyokomuntu ashinjwa. Urukiko rwasobanuye by'umwihariko ko Uwinkindi aza kubanza kugeza ingingo ze ku Rugereko, kubera ko azi neza ibyabaye, hanyuma avoka we akaza gutanga iz'inyongera.
44. Avoka yavuze ko, ku birebana n'ingingo yari yagejeje ku Rugereko mbere, yifuza kugira icyo yongeraho asobanurira Urukiko imyitwarire mbonezabupfura ya Uwinkindi. Urukiko rwemeye icyifuzo cya avoka rumusaba ko atanga ingingo ze z'inyongera mu nyandiko, hanyuma aha Urukiko na Porokireri kopi z'ingingo ze.
45. Avoka yakomeje avuga ku byaha uwo yunganira ashinjwa mu Nyandiko y'ibirego. Avoka amaze kwemeza ko Ubwunganizi bwatangije gutanga ingingo zabwo ku cyaha cya jenocide, yifuje kongeraho ingingo imwe ku birebana n'icyo cyaha mbere yo kuvuga ku cyaha gikurikira. By'umwihariko, yavuze ko icyaha cya jenocide, nk'uko kivugwa mu Nyandiko y'ibirego, gishingiye ku Ngingo ya 114 n'ya 115 z'Amategeko Ahana¹⁴. Ariko, Inyandiko y'ibirego ivuga kandi ku Ngingo ya 3(c) y'Amasezerano yerekeye icyaha cya jenocide¹⁵, ivuga ko guhamagarira abantu gukora jenocide ari icyaha. Mu gushyigikira icyo kirego, Inyandiko y'ibirego ivuga ko Uwinkindi yari ashigikiye amabariyeri kandi akaba ari na we washyiraga abantu kuri gahunda. Kubera ko ibi bikorwa bidashyigikira ikirego hashingiwe ku Ngingo ya 3(c) y'Amasezerano yerekeye icyaha cya jenocide, avoka yasabye ko icyo kirego kitakwitabwaho.

¹³ Reba igika 10 kiri haruguru.

¹⁴ Itegeko Ngenga Rishyiraho Igitabo cy'Amategeko Ahana, N° 01/2012/OL ryo ku wa 2 Gicurasi 2012, mu Ngingo ya 114 n'ya 115 ritangira ko: «**Ingingo ya 114: Igisobanuro cy'icyaha cya jenocide:** Icyaha cya Jenocide ni kimwe mu bikorwa bikurikira cyakozwe mu buryo bwateguwe kigamije kurimbura abantu bose cyangwa bamwe muri bo, bahuriye ku bwenegihugu, ku bwoko, ku ibara ry'uruhu cyangwa ku idini, bazira icyo bari cyo, haba mu bihe bisanzwe cyangwa mu bihe by'intambara: 1° kwica abo bantu; 2° kubatera ubumuga bw'umubiri cyangwa bwo mu mutwe; 3° kubashyira, ubigambiriye, mu mibereho ishobora gutuma barimbuka bose cyangwa harimbuka igice cyabo; 4° gufata ibyemezo bibabuzza kubyara; 5° kubambura ku ngufu urubyaro rwabo ukaruha abandi bantu badahujwe». **Ingingo ya 115: Ihanwa ry'icyaha cya jenocide:** «Umuntu wese ukoze, haba mu gihe gisanzwe cyangwa mu gihe cy'intambara, icyaha cya jenocide nk'uko giteganyijwe mu ngingo ibanziriza iyi, ahanishwa igifungo cya burundu cy'umwihariko».

¹⁵ Amasezerano agamije kubirizamo no guhana icyaha cya jenocide, yemejwe n'Inteko Rusange y'Umuryango w'Abibumbye ku itariki ya 9 Ukuboza 1948, mu Ngingo ya III ateganyije ko: «Ibikorwa bikurikira bihanwa: (a) jenocide; (b) Ubwumvikane bugamije gukora jenocide; (c) Guhamagarira mu buryo butaziguye kandi mu ruhamwe gukora jenocide; (d) Ubwinjiracyaha bwa jenocide; (e) Kuba icyitso cy'abakoze jenocide».

46. Porokireri asabwe n'Urukiko kugira icyo avuga ku gitekerezo cy'Ubwunganizi, yasabye ko gitangwa mu nyandiko, kugira ngo Ubushinjacyaha burusheho kugisobanukirwa.
47. Urukiko rwasabye ko Ubwunganizi butanga ingingo kuri iki kibazo mu nyandiko, ariko runabusaba gusubiramo icyo gitekerezo cyabwo.
48. Avoka yavuze ko azatanga ingingo zanditse nyuma y'icyumweru. Yakomeje gutanga ingingo ze avuga ko: icya mbere, Inyandiko y'ibirego ishinja Uwinkindi icyaha cyo guhamagarira no kubwiriza abandi gukora jenocide, hashingiwe ku Ngingo ya 114 n'iya 115 z'Amategeko Ahana¹⁶. Nyamara ariko, si ingingo ya 114 n'iya 115 z'Amategeko Ahana ziteganyaga icyaha cyo guhamagarira gukora jenocide, ahubwo ni ingingo ya 132¹⁷. Kubera iyo mpamvu, Inyandiko y'ibirego ifite inenge. Icyamba kabiri, avoka yavuze ko, kugira ngo icyaha cya jenocide kigaragazwe, Porokireri agomba kwerekana ko uregwa yari afite igitekerezo cyihariye. N'ubwo Porokireri yavuze ku bikorwa by'ingenzi nk'ubwicanyi, ntabwo ashobora gushingira gusa kuri ibyo bintu kugira ngo agaragaze icyaha cya jenocide. Mu rwego rwo kugaragaza igitekerezo cyihariye, Porokireri avuga gusa, mu Nyandiko y'ibirego, ku zindi manza ziburanishwa mu Rukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda («TPIR»), rwanzuye ko mu Rwanda hakorewe jenocide. Ariko, nta sano iri hagati y'urubanza rwa Uwinkindi n'izo manza zindi ku birebana no kugaragaza igitekerezo cyihariye. Avoka avuga ko ibyo bivuze ko Porokireri yananiwe kugaragaza ko Uwinkindi yari afite igitekerezo cyihariye cyo gukora jenocide.
49. Avoka yakomeje avuga ko ubuhamya bw'abatangabuhamya buvuguruzanya. Buvuguruzanya ku mubare w'abantu bahohotewe no ku bindi bintu byihariye. Avoka yasobanuye ko Ubwunganizi bwari bwavuze kuri icyo kibazo ejo hashize.
50. Nyuma yaho, Urukiko rwasabye Uwinkindi «kwiregura» ku cyaha cya kabiri – itsembatsemba nk'icyaha cyibasiye inyokomuntu.
51. Mbere y'uko Uwinkindi akomeza, Porokireri yasabye ijamba avuga ko Ubwunganizi bugomba gukoresha ijamba rishya ku cyaha kivugwa cyibasiye inyokomuntu nk'uko ryemejwe n'amategeko.

¹⁶ Reba igisobanuro cyo hasi ku rupapuro n° 14 haruguru.

¹⁷ Itegeko Ngenga Rishyiraho Igitabo cy'Amategeko Ahana, N° 01/2012/OL ryo ku ya 2 Gicurasi 2012, **Ingingo ya 132: Ibindi bikorwa bihanwa nk'icyaha cya jenocide, ibyaha byibasira inyokomuntu n'ibyaha by'intambara:** «Bitabangamiye ibiteganywa n'izindi ngingo z'iri Tegeko Ngenga ku byerekeye ubwinjiracyaha n'ubufatanyacyaha, ibikorwa bikurikira bihanishwa ibihano biteganyirijwe ibyaha bivugwa muri uyu Mutwe: 1° gutegeka gukora kimwe mu byaha bihanwa n'iri Tegeko Ngenga n'ubwo kitashyirwa mu bikorwa; 2° gusaba umuntu gukora icyo cyaha no kwemera kugikora; 3° gushishikariza abantu gukora icyo cyaha n'ubwo bitashyirwa mu bikorwa, wifashishije amagambo, amashusho cyangwa inyandiko; 4° kujya umugambi wo gukora icyo cyaha n'ubwo bitashyirwa mu bikorwa; 5° gushyigikira umuntu ushaka gukora icyo cyaha n'ubwo atagishyira mu bikorwa; 6° kumenya umugambi wo gushyira icyo cyaha mu bikorwa cyangwa ibikorwa bigitegura ntugire icyo ukora ngo ubuze ko kiba cyangwa ngo ugihagarike mu bushobozi bwawe; 7° kugerageza gukora icyo cyaha».

52. Avoka yashubije ko Porokireri yashingiye icyaha cyibasiye inyokomuntu ku bivugwa mu Ngingo ya 120 n'ya 121 z'Amategeko Ahana¹⁸. Ariko, n'ubwo hakoreshwa ijamba rishya ku cyaha cyibasiye inyokomuntu Uregwa ashinjwa, ryemejwe n'amategeko mbere y'uko Inyandiko y'ibirego isohorwa, Porokireri yakoresheje ijamba rya kera. Kubera ibyo, Porokireri ntiyubahirije ingingo ya 20 y'Itegeko Nshinga ry'u Rwanda¹⁹, n'ingingo ya 15 y'Amasezerano mpuzamahanga yerekeye uburenganzira mu by'imbonezamubano no mu bya politiki²⁰. Avoka yongeyeho ko Porokireri adashobora ubu gukosora iryo kosa, hanyuma asaba Urukiko gufata icyemezo ku ijamba rishya rirebana n'icyo cyaha.
53. Urukiko rwavuze ko ruzafata icyemezo kuri icyo kibazo igihe kigeze. Ubwo rwasabye Uwinkindi gukomeza «kwiregura» ku cyaha cya kabiri no kugira icyo abwira Urukiko ku bikorwa ariyozwa.
54. Uwinkindi yasobanuye ko mu Mategeko Ahana mashya ibyaha byibasiye inyokomuntu byaguwe. Yongeyeho ko Porokireri agomba gusobanura neza igihe ibyaha amushinja byakorewe kubera ko mu Nyandiko y'ibirego hatavugwamo igihe runaka. Uwinkindi avuga ko Ubushinjacyaha bwatanze gusa intera y'igihe, ko butazi

¹⁸ Itegeko Ngenga Rishyiraho Igitabo cy'Amategeko Ahana, N° 01/2012/OL ryo ku ya 2 Gicurasi 2012, **Ingingo ya 120:** Igisobanuro cy'icyaha cyibasiye inyokomuntu «Icyaha cyibasiye inyokomuntu ni kimwe mu bikorwa bikurikira gikozwe mu bitero rusange cyangwa bya simusiga byibasiye abaturage batari abasirikare bazira ubwengehugu bwabo, ibitekerezo bya politiki, ubwoko, cyangwa idini: 1° kwica; 2° kurimbura; 3° gushyira mu bucakara; 4° gutwara bunyago cyangwa kubimura ku ngufu aho bari batuye; 5° gufunga umuntu cyangwa kumwambura uburenganzira bwe bwo kujya aho ashaka mu buryo bunyuranyije n'amategeko; 6° kwica urubozo; 7° gusambanya ku gahato, ubucakara bushingiye ku gitsina, gukoresha uburaya ku gahato, guhagarika urubyaro ku gahato cyangwa ikindi gikorwa icyo ari cyo cyose cy'ihohotera rishingiye ku gitsina risa n'ibimaze kuvugwa; 8° gutoteza umuntu umuziza ibitekerezo bye bya politiki, ubwoko, idini cyangwa se ushingiyeye ku rindi vangura iryo ari ryo ryose; 9° kurigisa abantu; 10° ivangura rishingiye ku ibara ry'uruhu; 11° ibindi bikorwa birenze kamere muntu bisa n'ibimaze kuvugwa bikozwe ku bushake bigamije kubabaza cyangwa kwangiza bikabije umubiri cyangwa ubwenge».

Ingingo ya 121: Ihanwa ry'icyaha cyibasiye inyokomuntu «Umuntu wese ukora icyaha cyibasira inyokomuntu nk'uko giteganyijwe mu gace ka mbere, aka 2°, aka 3°, aka 6°, aka 7° n'aka 9° tw'ingingo ya 120 y'iri Tegeko Ngenga, ahanishwa igihano cy'igifungo cya burundu cy'umwihariko. Umuntu wese ukora icyaha cyibasiye inyokomuntu nk'uko giteganyijwe mu gace ka 4°, aka 5°, aka 8°, aka 10° n'aka 11° tw'ingingo ya 120 y'iri Tegeko Ngenga, ahanishwa igifungo kuva ku myaka icumi (10) kugeza ku myaka makumyabiri n'itanu (25). Iyo icyaha cyibasiye inyokomuntu, kivugwa mu gika cya 2 cy'iyi ngingo, cyakozwe giherekejwe n'agashinyaguro, uwagikoze ahanishwa igihano cy'igifungo cya burundu cy'umwihariko».

¹⁹ Itegeko Nshinga rya Repubulika y'u Rwanda, mu Ngingo ya 20, riteganyaga ko: «Nta wushobora guhanirwa ibyo yakoze cyangwa atakoze, iyo amategeko y'igihugu cyangwa amategeko mpuzamahanga atabifataga nk'icyaha igihe byakorwaga. Na none nta wushobora gucibwa igihano kiruta icyari giteganyijwe n'amategeko mu gihe yakoraga icyaha».

²⁰ Amasezerano mpuzamahanga yerekeye uburenganzira mu by'imbonezamubano no mu bya politiki, mu Ngingo ya 15, ateganyaga ko: «1. Nta wushobora guhanirwa icyaha yakoze cyangwa ikintu atakoze, iyo amategeko y'igihugu cyangwa amategeko mpuzamahanga atabifataga nk'icyaha igihe byakorwaga. Na none kandi ntawe ushobora guhanishwa igihano kiruta icyari giteganyijwe n'amategeko mu gihe yakoraga icyaha. Iyo, nyuma y'ikorwa ry'icyaha, amategeko ateganyaga gutanga igihano cyoroheje, uwakoze icyaha ni icyo gihano ahabwa. 2. Nta kintu na kimwe muri iyi ngingo kizabuza gucira urubanza no guhana umuntu wese kubera icyaha yakoze cyangwa ikintu atakoze, cyafatwaga nk'icyaha n'amahame rusange y'amategeko yemerwa n'umuryango mpuzamahanga, igihe cyakorwaga ».

igihe ibyo bikorwa byabereye. Kandi nta n'ubwo Ubushinjacyaha bwatanze umubare w'abantu bahohotewe (*urugero*: bavuze ko hapfuye abantu benshi).

55. Urukiko rwasabye Uwinkindi kwibanda ku byabaye bivugwa mu rubanza, akareka ibibazo byo mu rwego rw'amategeko. By'umwihariko, Urukiko rwasabye Uwinkindi gutangira igisobanuro cye avuga ibyabereye kuri za bariyeri, hanyuma agakomeza avuga ku bintu byabaye ku itariki ya 7 n'ya 8 Mata no kuvuga ku bindi bintu bisigaye kimwe ukwacyo. Igihe Uwinkindi yireguraga, Urukiko rwagiye rumubaza ibibazo byihariye (*urugero*: hari amabariyeri angahe, yari he, yari he ku itariki iyi n'iyi). Uwinkindi yahakanye ko yamenye ibyo bintu byabaye kandi ko yaba yarabigizemo uruhare rutaziguye. Urukiko rwavuze ko Uwinkindi afite uburenganzira bwo kuvuga ko atabonye ibyo bintu kandi ko atabigizemo uruhare rutaziguye, rumusaba gutanga amakuru yumvanye abandi arebana n'ibyabaye.

Kubonana mu buryo butateguwe n'Umwunganizi mukuru wa Uwinkindi mu karuhuko k'Urukiko

56. Urukiko rufashe akaruhuko, umugenzuzi yegereye Gashabana, avoka mukuru wa Uwinkindi, kugira ngo amusobanure imyumvire ye y'ibyo yavuze mu ngingo ze ku ijamba rishya rikoresha ku cyaha cyibasiye inyokomuntu Uregwa ashinjwa. Gashabana yamusobanuriye ko, mbere, icyo cyaha cyitwaga *itsembatsemba*, mu gihe mu Gitabo cy'Amategeko Ahana gishya kitwa *kurimbura*²¹, byombi bikavugwa nk'ibyaha byibasiye inyokomuntu. Mu gihe Amategeko Ahana mashya ateganya icyaha cyo *kurimbura*, Porokireri yashinje Uwinkindi *itsembatsemba*, n'ubwo Inyandiko y'ibirego yasohowe Amategeko Ahana mashya yaramaze kwemezwa.
57. Gashabana yavuze ko uko abona ibintu, niba amategeko mashya ateganya icyaha gishya hanyuma Porokireri agashinja Uregwa icyaha cya kera, kuvuga ko ibintu bigize ibyo byaha byombi bisa cyangwa ko icyahindutse gusa ari inyito nta gaciro byahabwa. Gashabana yasobanuye ko Porokireri ubu yari yasabye Urukiko gufata icyo kintu nk'ikosa rito no gutangira kuvuga ko icyaha gishya ari cyo akurikiranyeho Uregwa.

Iburanisha ryo ku itariki ya 16 Ukwakira 2014 (rirakomeje)

58. Nyuma y'akaruhuko k'Urukiko, Uwinkindi yakomeje kuvuga ku bintu byabaye aregwa mu Nyandiko y'ibirego.
59. Uwinkindi amaze gutanga ingingo ze, Urukiko rwasabye avoka gutanga izindi ngingo.
60. Avoka yakomeje kuvuga ku nenge ku bintu bifatika ziri mu Nyandiko y'ibirego, asubiramo ko Ubushinjacyaha, bwavuze intera y'igihe ibintu byabereye mu Nyandiko y'ibirego – kuva ku itariki ya 7 Mata 1994 kugera hagati muri Gicurasi 1994 – bwananiwe gusobanura neza igihe ibyaha byabereye.

²¹ Reba ijamba mu kinyarwanda mu Ngingo ya 120 y'Igitabo cy'Amategeko Ahana mu gisobanuro cyo hasi ku rupapuro gifite n° 18 kiri haruguru.

61. Avoka arangije gutanga ingingo ze, Urukiko rwatangaje ko rugiyeye kuvuga ku kibazo cy'abatangabuhumya babiri bashinjura basabye ingamba zo kurindirwa umutekano, hanyuma rutegeka ko abantu bose basohoka mu cyumba cy'iburanisha uretse ababuranyi. Ubwo umugenzuzi na we yarasohotse.

Gusuzuma dosiye y'urubanza ku itariki ya 16 Ukwakira 2014

62. Nyuma y'iburanisha, umugenzuzi yasabye Gerefiye inyandikomvugo y'iburanisha ry'uwo muni, arayihabwa.
63. Ibika 64-70 bikurikira birimo amakuru y'ibyavugiwe mu muhezo.
64. BYAKUWEMO.
65. BYAKUWEMO.
66. BYAKUWEMO.
67. BYAKUWEMO.
68. BYAKUWEMO.
69. BYAKUWEMO.
70. BYAKUWEMO.

Kubonana n'Uwinkindi n'umwunganizi mukuru ku itariki ya 16 Ukwakira 2014

71. Muri uwo mubonano, Uwinkindi yavuze ku bibazo byinshi birebana n'uburyo afunzwemo.
72. Uwinkindi yavuze ko amaze icyumweru arwaye ibicurane. Muganga yaramupimye uwo muni, mbere y'iburanisha, hanyuma avuga ko aza kumuha imiti, ariko tubonana yari atarayibona.
73. Muri rusange, Uwinkindi yavuze ko uburyo afunzwemo bwagiye burushaho kuba bubi nyuma y'aho uwari umuyobozi wa Gereza, Murenzi, agendeye. Yatanze ingero zinyuranye zihariye zishyigikira ibyo yari amaze kuvuga.
74. Uwinkindi yavuze ko ibyumba by'abafungwa mu gice cyihariye cya gereza²² bitagikorera isuku. Yasobanuye ko, mu wa 2011, Ubuyobozi bwa Gereza bwashyizeho umuntu wihariye (undi mufungwa) ushinze gufasha abafungwa baba mu gice cyihariye cya gereza imirimo mito mito (gukora isuku, gutera ipasi, gutegura ifunguro rya mu gitondo). Impamvu ni uko abafungwa baba mu gice cyihariye cya gereza baba bahugiye mu gutegura imanza zabo n'ingingo bagomba gutanga mu

²² Igice cyihariye cya gereza («Igice cyihariye») ni igice cyihariye cya gereza nkuru ya Kigali (Gereza ya Nyarugenge) («Gereza») aho Uwinkindi, kimwe n'abandi bagororwa bafite imanza zimuriye mu Rwanda, bafungiyeye.

Rukiko, bigatuma batabona umwanya wo gukora iyo mirimo. Murenzi amaze gushyirwaho, yakomeje ubwo buryo bwo gukora ibintu. Ariko, aho umuyobozi wa Gereza mushya aziye, ibyo bimaze nk'ibyumweru bibiri bihagaze, kandi ubuyobozi bwa Gereza nta gisobanuro bwatanze. Uwinkindi avuga ko kuba atakibona umuntu umufasha iyo mirimo bitabangamira gusa uburenganzira bwe bwo gucirwa urubanza ruboneye, ahubwo binabangamira imibereho ye myiza. icya mbere, gukora imirimo bituma igihe yagombye gukoresha ategura imyiregurire ye kiba gito. icya kabiri, kubera ko atagifite umuntu umufasha gutegura ifunguro rya mu gitondo mbere yo kujya mu rubanza, kandi mu gihe cy'iburanisha bakaba batamuha ibiryo cyangwa ibyo kunywa, harimo n'amazi, ifunguro rya mbere abona n'igihe iburanisha risubikiwe, asubiye muri gereza, ubusanzwe nyuma ya saa munani z'amanywa.

75. Uwinkindi yavuze kandi ko adashobora gukoresha uburenganzira bwe bw'idini. N'ubwo aya mu rusengero buri cyumweru, ntabwo yishimiye uko abafungwa bafatwa. Urugero, Uwinkindi yavuze ko abafungwa batakemereye kuvugana n'Umushumba. Umuyobozi wa Gereza wahozeho yemereraga abafungwa kuganira no kwirega ku Mushumba, n'ubwo umuntu ushinze umutekano yabaga ari hafi aho (kandi abafungwa nta kibazo byabateraga), ariko Uwinkindi avuga ko ibintu atari ko bimeze ubu.
76. Ku byerekeye ibyo kurya, Uwinkindi yavuze ko Ubuyobozi bwa gereza butacyemerera abantu bo mu muryango we kumugemurira ibyo kurya bindi, nk'imbuto. Ibi bimuteye inkeke kuko aya imbuto ahawe na gereza nka rimwe mu kwezi, n'ubwo gahunda yo kugaburira abafungwa igaragaza ko bagomba guhabwa imbuto buri muni.
77. Ku birebana n'uburenganzira bwe bwo gusurwa, Uwinkindi yasobanuye ko adafite ahantu hiherereye ho kubonanira n'inshuti ze n'umuryango we iyo baje kumusura. Na none kandi, Uwinkindi yavuze ko, n'ubwo bubatse ahantu hashya hagenewe kwakira abasura abafungwa, nta hantu hiherereye ho kubonanira n'abunganizi be afite. Uwinkindi yongeyeho ko Ubuyobozi bwa Gereza butubahiriza gahunda yashyizweho y'igihe inshuti n'abavandimwe basuriraho abafungwa. Igihe umuyobozi wa Gereza wagiye yari agihari, igihe cyo gusurwa cyari iminota 30, ariko uwo muyobozi yabemereraga igihe cy'inyongera, iyo habonekaga umwanya. Ariko ubu, abashinzwe kurinda abafungwa bemera gusa igihe gito kurushaho, hagati y'iminota 5 na 20.
78. Umugenzuzi asanga ahantu hashya hagenewe kwakira abasura abafungwa ari ahantu hasakaye, ariko harangaye; ni inyubako idafite inzugi cyangwa amadirishya, iri hanze y'igice cyihariye, ahantu hahurirwa n'abantu bese mu gipangu cya gereza. Abantu bahanyura, ni ukuvuga abandi bagororwa, abarinda abafungwa n'abaje gusura abafungwa, bashobora kumva ibyo abaganira bavuga no kubabona.
79. Uwinkindi ahangayikishijwe n'uko umuyobozi mushya wa Gereza ari umusirikare. Avuga ko yababwiye ko ari Liyetona Koloneli.
80. Uwinkindi yavuze ko, ku itariki ya 10 Ukwakira 2014, abafungwa baba mu gice cyihariye basabye kubonana n'umuyobozi wa Gereza mushya, ariko ko nta gisubizo babonye.

81. Ku itariki ya 5 Nzeri 2014, umuvugizi w'Ubushinjacyaha yasuye abafungwa. Baganiriye ku byo u Rwanda rwiyemeje birebana n'abafungwa bimuriwe mu Rwanda. Uwinkindi asobanura ko umuvugizi w'Ubushinjacyaha yabamenyesheje ko u Rwanda ruzubahiriza amategeko yo mu gihugu aho gukurikiza ibyo rwemereye imbere ya TPIR ku birebana n'imanza zimuriwe mu Rwanda. Uwinkindi yemeje ko ayo magambo yatumye abafungwa bafite imanza zimuriwe mu Rwanda bagwa mu kantu.
82. Gashabana, avoka mukuru wa Uwinkindi, yaje muri icyo nama nyuma, mbere y'uko Uwinkindi avuga ibibazo birebana n'urubanza. Uwinkindi yavuze ku kibazo nk'icyo, ariko amaze kubiganiraho n'avoka we, avuga ko igihe kitaragera cyo kuvuga kuri icyo kibazo. Bibaye ngombwa yazongera kukigarukaho.

C. Ubutumwa bwa gatatu bw'ubugenzuzi

Iburanisha ryo ku itariki ya 22 Ukwakira 2014

83. Muri iri buranisha, Ubwungabizi bwakomeje gutanga igisubizo cyabwo ku Nyandiko y'ibirego no ku myanzuro yo mu ikubitiro ya Porokireri mu magambo.
84. Uwinkindi yabyukije ibibazo binyuranye.
85. icya mbere, yavuze ko abatangabuhamya banyuranye batanze ubuhamya busa. Yavuze ku buhamya nk'ubwo bwinshi, kandi yemeza ko ibi bigaragaza ko abo batangabuhamya batojwe ibyo bagomba kuvuga.
86. Urukiko rwasabye ko kuva ubu, Ubwunganizi nibugira icyo bushaka kuvuga cyangwa gutangaza bugomba kubitanga mu ngingo zanditse mu buryo bwemewe.
87. icya kabiri, Uwinkindi yemeje ko abatangabuhamya bavuze ku bintu bumvise aho gutanga ubuhamya ku bintu bahagazeho. Ibi bisobanuye ko abatangabuhamya bavugaga ku bintu bumvise aho gutanga ubuhamya ku byo biboneye.
88. icya gatatu, Uwinkindi yatanze ingero zinyuranye z'ubuhamya bwanditse bw'abatangabuhamya bugaragaza ko bwahinduwe mu kinyarwanda buvanwa mu zindi ndimi, n'ubwo bwose abatangabuhamya babutanze bavugaga ikinyarwanda gusa. Porokireri yasobanuye ko ubwo buhamya bwakorewe abapererezi batavugaga ikinyarwanda.
89. Hanyuma, Uwinkindi yavuze ko inyandiko zishyigikira Inyandiko y'ibirego mu by'ukuri zidashyigikira ibirego bye. Yatanze urugero rumwe kugira ngo agaragaze ibyo yavugaga.
90. Nyuma y'akaruhuko k'Urukiko, Ubwunganizi bwakomeje gutanga igisubizo cyanditse ku Nyandiko y'ibirego, kandi bugenda bugaragaza ibintu byinshi bivuguruzanya mu buhamya bwa bamwe mu batangabuhamya bihariye.

Iburanisha ryo ku itariki ya 23 Ukwakira 2014

91. Iburanisha ryatangiyeye avoka wa Uwinkindi akomeza gusobanura ingingo zanditse zikubiye mu gisubizo cy'Ubwunganizi ku Nyandiko y'ibirego.
92. Igihe kimwe, haje ikibazo cy'uko umutangabuhamya umwe urindiwe umutekano yahawe mu rubanza amazina abiri atandukanye. Ubushinjacyaha bwavuze ko amazina amwe yatanzwe na TPIR andi agatangwa n'Urukiko rwo mu Rwanda, bwiyemeza gukurikirana icyo kibazo no kumenyesha Urukiko ibyo buzaba bwagezeho mu iburanisha rikurikira.
93. Ubwunganizi bumaze gutanga ingingo zabwo ku Nyandiko y'ibirego, bwamenyesheje Urukiko ko buzahamagaza abatangabuhamya bashinjura 72 bo gushyigikira ingingo zabwo, bukerekana n'ikarita igaragaza ahakorewe ibyaha. Urukiko rwasabye ko Ubwunganizi buha Ubushinjacyaha n'Urukiko ilisiti y'abatangabuhamya buzahamagaza.
94. Nk'ikibazo gitandukanye n'ibindi, Ubwunganizi bwashimangiye ko butahawe amafaranga yo gushakisha abatangabuhamya, no gushyikirana n'abatangabuhamya babarizwa mu mahanga. Kubera ko kubura amikoro bituma impande ziburana zitanganya imbaraga, Ubwunganizi kwasabye ko Urukiko rubushyigikira kugira ngo bubone amafaranga akwiriye. Urukiko rwamenyesheje Ubwunganizi ko bugomba kugeza ibyifuzo birebana n'amafaranga kuri Guverinoma, aho kubishyikiriza Urukiko.
95. Ubushinjacyaha kwasabye igihe cy'inyongera kugira ngo butegure igisubizo ku ngingo Ubwunganizi bwatanze busubiza ibikubiye mu Nyandiko y'ibirego.
96. Urukiko rwashyize iburanisha rikurikira ku itariki ya 12 Ugushyingo 2014, saa mbiri n'igice za mu gitondo.

III. UMWANZURO

97. Abagenzuzi biteguye gutanga amakuru y'inyongera, hakurikijwe amabwiriza ya Perezida.

Bitanzwe ku itariki ya 14 Ugushyingo 2014

[umukono]
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**TRANSMISSION SHEET FOR FILING OF TRANSLATIONS
WITH THE ARUSHA BRANCH OF
THE MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS**

To	MICT Registry				
From	<input type="checkbox"/> ICTY CLSS		<input checked="" type="checkbox"/> ICTR LSS		
Original Submitting Party	<input type="checkbox"/> Chambers	<input type="checkbox"/> Defence	<input type="checkbox"/> Prosecution	<input checked="" type="checkbox"/> Other Monitors	
Case Name	UWINKINDI	Case Number	MICT-12-25	No. of Pages 17	
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Document type/ Type de document:	<input type="checkbox"/> Indictment	<input type="checkbox"/> Order	<input type="checkbox"/> Appeal Book	<input type="checkbox"/> Notice of Appeal	
	<input type="checkbox"/> Warrant	<input type="checkbox"/> Affidavit	<input checked="" type="checkbox"/> Submission from non-parties		
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