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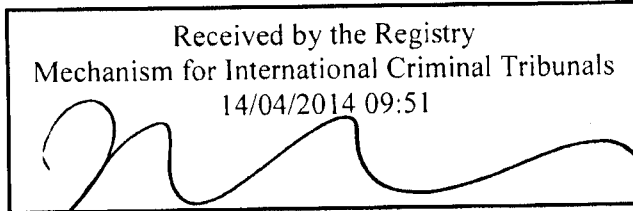
**Urukiko Mpanabyaha Mpuzamahanga  
Rwashyiriweho u Rwanda**

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Kuri : Perezida w'Urukiko Mpanabyaha Mpuzamahanga  
Rwashyiriweho u Rwanda

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

Binyujijwe kuri : Gerefiye w'Agateganyo w' Urukiko Mpanabyaha Mpuzamahanga  
Rwashyiriweho u Rwanda

**Raporo y'umugenzuzi washyizweho n'Urukiko mu rubanza rwa Uwinkindi  
(Nzeri 2012)**

1. Mbagejejeho iyi raporo nk'umukozi wa TPIR washinzwe kugenzura no gukurikirana urubanza rwa Jean Uwinkindi rwoherejwe mu nkiko z'u Rwanda<sup>1</sup>. Iyi raporo yerekeranye n'ibikorwa muri urwo rubanza mu Rwanda ndetse n'ibiganiro nagiranye n'abandi bantu ku byerekeranye n'aho imihango y'iburanisha yari igeze muri Nzeri 2012.
2. Mu gihe cy'iri genzura, ku itariki ya 14 Nzeri 2012, hari hateganyijwe iburanisha ryagombaga kuyoborwa n'umucamanaza umwe rukumbi w'Urukiko Rukuru rw'u

<sup>1</sup> Urubanza Jean Uwinkindi aburana na Porokireri, N°ICTR-2001-75-AR 11bis, Itegeko rya Gerefiye rishyiraho abagenzuzi mu rubanza rwa Jean Bosco Uwinkindi rwoherejwe mu Rwanda, 10 Mata 2012.

R(RM)13-0011K

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

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- by'agateganyo Uregwa, ntirwemera n'Icyifuzo cye cyasabaga gusesa urubanza mu ikubitiro, ashingiye ku mpamvu zinyuranye kandi zikomeye zirebana n'imihango y'iburanisha.
3. Iburanisha mu Rukiko Rukuru ryayobowe n'Umucamanza umwe Antoine Muhima afashijwe na gerefiye. Ubushinjacyaha bwari buhagarariwe na n'abashinjacyaha babiri bo mu Bushinjacyaha Bukuru(NPPA), Jean Bosco Mutangana na Claudine Dushimimana. Ubwunganizi bwari buhagarariwe n'Umwunganizi mukuru Gatera Gashabana n'umwungirije Jean Baptiste Niyibizi. Uregwa yari mu rukiko igihe cyose iburanisha ryamaze. Nageze i Kigali igihe gitoya mbere y'iburanisha, ndahaguma mu gihe cy'iburanisha na nyuma ya ryo. Nakurikiranye iburanisha mfashijwe n'umusemuzi nahawe n'ibiro bya TPIR biri i Kigali.
  4. Iburanisha ryamaze umunsi wose, abaturanyi bahabwa igihe gihagije cyo gutanga ingingo zabo, n'Uregwa ahabwa umwanya wo kugira icyo yivugira cyangwa icyo yongera ku ngingo zatanze n'abamwunganira. Mu ntangiriro na nyuma y'iburanisha, Uregwa yasabwe gufata ijamba, abikora ari kumwe n'abamwunganira.
  5. Ubwunganizi bwashubiyemo ingingo bwari bwatanze imbere y'Urukiko rwisumbuye buvuga ko 1) Uregwa nta mwanya wo mu rwego rwo hejuru yari afite mbere ya jenocide, 2) Inyandiko y'ibirego ifite inenge kuko idasobanura niba ireba uwitwa Jean Uwinkindi cyangwa uwitwa Jean Bosco Uwinkindi, 3) Uregwa afungiyeye muri gereza kandi igihe agifunze by'agateganyo, yagombye kuba afungiyeye muri « kasho ya polisi », 4) Akigera i Kigali avuye Arusha, yabajijwe atari kumwe n'avoka, 5) Hari ibintu binyuranyije n'amategeko byakozwe mu gihe cy'ifatwa n'iyoherezwa ry'Uregwa ava muri Uganda yoherezwa muri TPIR, kandi habaye n'ibindi bikorwa binyuranyije n'amategeko agenga imiburanishirize ubwo Uregwa yoherezwaga mu Rwanda, icya nyuma, 6) Ibimenyetso bishinja

- Uregwa ntibihagije. Kubera izo mpamvu, Ubwunganizi kwasabye ko urubanza ruseswa uko rwakabaye, bitaba ibyo, Uregwa akarekurwa by'agateganyo.
6. Ababuranyi batanze ingingo zabo bashikanye, bashingiye ku biteganywa n'amategeko no ku bimenyetso byerekeranye n'ibyabaye, ku buryo buri wese yatangaga ingingo ze undi agahabwa umwanya wo kugira icyo azivugaho. Wabonaga biteguye mu buryo bubonye bakoresha za mudasobwa zigendanwa na za *tablets*. Bibukije Umucamanza ibiteganywa n'Igitabo cy'amategeko ahana ibyaha mu Rwanda, agenga imiburanishirize mu Rwanda, n'ubukemuramanza bw'uru Rukiko n'ubwo mu zindi nzego mpuzamahanga. Mu gihe cyose iburanisha ryamaze, Umucamanza yagiye afata ijamba akabaza ababuranyi bombi ibibazo, umuburanyi yamara gusubiza, undi agahabwa umwanya wo kugira icyo avuga ku kibazo cyabajijwe mugenzi we. Rimwe na rimwe kandi Umucamanza yagiye ahwitura ababuranyi, akabibutsa imiterere y'iburanisha imbere y'Urukiko Rukuru, ababwira ko ari iburanisha mu bujirire, ko atari urubuga rwo kugaruka bundi bushya ku ngingo batanze mu Rukiko rwisumbuye.
  7. Uregwa yaje kuburana ari mu modoka ya gipolisi idasanzwe, aza yambaye ubwa mbere iniforume y'ibara ry'iroza, ubundi yambarwa n'abafungwa bategereje kuburana mu rukiko. Mu maburanisha yabanje yabereye imbere y'Urukiko rwisumbuye, Uregwa yabaga yambaye imyenda ya gisiviri.
  8. Abanyamakuru b'itangazamakuru ryanditse n'ab'itangazamakuru rikoresha elegitoroniki bari babukereye kandi byari byemewe gufata videwo mu gihe cyose cy'iburanisha. Muri rusange, ababuranyi, na rubanda rwari rwaje gukurikirana urubanza, bitwaye neza.
  9. Imirimo y'iburanisha ihumuje, Umucamanza umwe rukumbi yavuze ko urubanza ruzasubukurwa ku itariki ya 19 Nzeri 2012 ari naho azasoma icyemezo cye. Cyakora bishoboka ko nta Cyemezo cyazasomwa kuri icyo tariki kuko uwo

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mucamanza ari no mu rubanza rwa Leon Mugesera, uregwa woherejwe na Kanada kuburanira mu Rwanda. Nyuma y'aho, icyemezo cyaje gusomwa ku itariki ya 24 Nzeri 2012.

10. icyemezo cy'Umucamanza umwe rukumbi ni inyandiko igizwe n'impapuro 26, rubanda ishobora kubona, isobanuye bihagije kandi ivuga ibyo ishingiyeho. Mu bika 59 byanditse ku buryo hagati y'umurongo n'undi habamo umwanya wa rimwe, Umucamanza yasesenguye ingingo z'ababuranyi, azitangaho ibitekerezo bye n'aho bishingiye. Amaze gusuzuma ingingo z'ababuranyi, Umucamanza yavuze ko ubujurire budafite ishingiro.
11. Muri icyo cyumweru, Ubushinjacyaha bwashyikirije Urukiko dosiye rwakoze, busobanura ko bwapfundikiye iperereza. Ikibazo kigiye kuzasuzumwa na Perezida w'Urukiko Rukuru, akazagena inteko y'abacamanza yihariye izaburanisha urwo rubanza ijyanye n'ibiteganywa n' itegeko rigena iyimurwa ry'imanza. Birashoboka ko iyi nteko, mu gihe cya vuba, izagena itariki iburanisha rya mbere ababuranyi bazavugiramo ibitekerezo byabo ku birebana n'imyiteguro yabo, mbere y'uko urubanza rutangira. Ikizakurikiraho rero, ni ukuvuga itariki urubanza nyakuri ruzatangiriraho.
12. Nagiye mvugana kenshi n'abahagarariye ababuranyi, n'abakozi b'Urukiko. By'umwihariko nagiranye ibiganiro n'ukuriye itsinda ry'abashinjacyaha muri uru rubanza, Mutangana n'Umwunganizi mukuru, Gashabana.
13. Mutangana yavuze ko Ubushinjacyaha bwiteguye urubanza. Yavuze ko ibiro bye nta cyifuzo bwari bwashyikirizwa n'Ubwunganizi kerekeranye no kubworohera kubonana n'abantu bashobora kuzaba abatangabuhama bashinjura, cyangwa se n'iperereza ku kintu icyo ari cyo cyose bwaba bufiteho ikibazo. Yavuze ko mu muryango w'amategeko akomoka ku baromani(*civil law*), iperereza iryo ari ryo ryose rikorwa n'umushinjacyaha cyangwa n'umugenzacyaha, ko u Rwanda

- rutagira urwego rw'Umucamanza ukora iperereza. Yavuze ko ibiro bye byiteguye gukora iperereza iryo ari ryo ryose Ubwunganizi buzasaba harimo no kubaza abatangabuhamya, gukusanya ibimenyetso bishingiye ku nyandiko, ku mashusho cyangwa ku majwi, cyangwa ibindi byo mu bundi bwoko ubwo ari bwo bwose.
14. Umwunganizi mukuru mu ikipe y'Ubwunganizi yavuze ko ikipe ye ifite imbogamizi zikomoka ku kudahabwa amafaranga yo gukora iperereza. Yavuze ko amafaranga ajyanye n'ubwunganizi yahawe we n'umwungirije ari ibihembo bijyanye n'imirimo y'ubwunganizi, akaba atabemerera gushaka abapererezi, kugira ingendo bakora cyangwa akandi kazi kugira ngo bashake abantu bashobora kuzaba abatangabuhamya bashinjura, kubonana nabo, gufata mu nyandiko ubuhamya bwabo bw'ibanze, no kumenya niba bazaza gutanga ubuhamya mu rukiko. Ikindi kandi, Ubwunganizi nta mafaranga bwahawe yo kuba bwashaka ibimenyetso bishingiye ku nyandiko, ku majwi cyangwa ku mashusho. Yavuze ko nyuma y'ibiganiro twagiranye n'ibyo yagiranye n'undi mugenzuzi, agikomeza kuvugana n'abayobozi bo mu Rwanda babishinzwe. Cyakora, avuga ko kugeza ubu ntacyagezweho mu rwego rw'iyi mishyikirano, ko ikibazo cyo kuba nta giteganywa mu rwego rw'ubwunganizi burebana no gukora iperereza, kuva mu mezi atanu ashize, kuva muri Mata 2012 Uregwa yoherezwa mu Rwanda, ari ikibazo gihangayikishije. Yemeje ko nta rutonde rw'abantu bashobora kuzaba abatangabuhamya bashinjura yahaye abashinjacyaha n'Ishami rishinzwe kwita ku batangabuhamya riyoborwa n'Ubushinjacyaha Bukuru.

## UMWANZURO

15. N'ubwo nta tariki ihamye y'umunsi w'itangira ry'urubanza yari yajyaho, hizewe ko Urukiko Rukuru rushobora kuzagena icyo itariki rumaze kumva ababuranyi ku munsi wa mbere bazitaba Urukiko.

## IBIKENEWE

16. Bitewe n'uko urubanza rushobora kuzatangira vuba, mu rwego rwa rusange, kugira ngo abagenzuzi bashobore kubaza abantu, banasuzume ibishingiye ku nyandiko, ku mashusho cyangwa ku majwi, turasaba ko TPIR yateganyiriza abagenzuzi abantu bo guhindura inyandiko z'imyimerere mu zindi ndimi, no gusemura, igihe bibaye ngombwa.

Murakoze

Umukono

Anees Ahmed

Umugenzuzi washyizweho n'Ingereko za TPIR mu rubanza rwa Uwinkindi.

Kashe

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