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**Urukiko Mpanabyaha Mpuzamahanga
Rwashyiriweho u Rwanda**

AICC

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30 Ugushyingo 2012

Kuri: Perezida w'Urukiko Mpanabyaha Mpuzamahanga
Rwashyiriweho u Rwanda

Perezida w'Urwego rwashyiriweho gukora imirimo y'insigarira
y'Inkiko Mpanabyaha (MICT)

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

Byanditswe na: Anees Ahmed
Umukuru w'Ingereko & Umugenzuzi washyizweho n'Ibiro bya Gerefiye wa
TPIR mu rubanza rwa Uwinkindi

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**Raporo y’umugenzuzi washyizweho n’Urukiko mu rubanza rwa Uwinkindi
Ukwakira-Ugushyingo 2012¹**

1. Mbagejejeho iyi raporo nk’umukozi wa TPIR washinzwe gukurikirana urubanza rwa Jean Uwinkindi (“Uwinkindi”) rwimuriwe mu nkiko zo mu Rwanda². Iyi raporo yerekeranye n’ibibera muri urwo rubanza mu Rwanda ndetse n’ibiganiro n’amanama nagiranye n’abandi bantu mu Ukwakira n’Ugushyingo 2012.
2. Muri icyo gihe kivugwa, nagiye mu Rwanda inshuro ebyiri nkorana inama n’abantu bafite aho bahuriye n’urubanza rwa Uwinkindi. Mu rugendo rwa kabiri rwabaye hagati y’itariki ya 3 n’iya 11 Ugushyingo 2012 nari kumwe na Constant Hometowu, umunyamategeko mu Ishami Ricunga Imirimo y’Ingereko ry’Urukiko, washyizweho ku itariki ya 25 Nzeri 2012, nk’umugenzuzi wa kabiri ku ruhande rw’Ibiro bya Gerefiye.
3. Muri icyo gihe kivugwa, nta mirimo yo kuburanisha mu Rukiko yabaye. Ku itariki ya 28 Nzeri 2012, Ubushinjacyaha bwashyikirije dosiye yabwo Urukiko Rukuru rw’u Rwanda. Ubu iyo dosiye yahawe numero RP0002/12/HCCI.
4. Umucamanza uyoboye inteko y’abacamanza izaburanisha uru rubanza amaze kubona iyo dosiye, ku itariki ya 6 Ugushyingo 2012 yafashe icyemezo gitegeka ba avoka Gatera Gashabana na Jean-Baptiste Niyibizi gutanga 1) igisubizo cyabo kuri dosiye Ubushinjacyaha bwatanze ku itariki ya 28 Nzeri 2012; 2) gutanga lisiti y’abatangabuhamya bashinjura bifuza guhamagaza mu

¹ Kugira ngo haboneke amakuru yuzuye, cyane cyane ku byerekeranye no kurinda umutekano w’abatangabuhamya n’ubufasha mu by’amategeko, raporo zakozwe mu Ukwakira n’Ugushyingo zirakomatanyirizwa mu nyandiko imwe. Mbere y’uko iyi raporo isohoka, abantu bose bavugwa muri iyi raporo bahawe umushinga wayo kugira ngo bagire icyo bayivugaho.

² *Urubanza Jean Uwinkindi aburana na Porokireri*, N° ICTR-2001-75-AR11 bis, Itegeko rya Gerefiye rishyiraho abagenzuzi mu rubanza rwa Jean-Bosco Uwinkindi rwimuriwe mu Rwanda, 10 Mata 2012.

Rukiko; no 3) gutanga umwirondoro w'abo batangabuhamya kugira ngo bashyikirane na bo. Perezida w'inteko yanategetse abo bavoka kumenyesha Urukiko abatangabuhamya baba hanze y'u Rwanda baba badashaka kuza gutanga ubuhamya kubera impungenge bafite z'umutekano wabo. Ubwunganizi bwategetswe kuba bwatanze igisubizo ku byo busabwa muri icyo cyemezo bitarenze tariki ya 15 Ugushyingo 2012.

5. Mu biganiriro jye na Constant Hometowu twagiranye [n'Ubwunganizi bwa Uwinkindi] ku matariki ya 6, 8 na 11 Ugushyingo 2012, Bwana Gashabana, Avoka mukuru, yambwiye ko yari kumenyesha Urukiko Rukuru ko Ubwunganizi budashoboye gutanga igisubizo cyuzuye kuri dosiye ya Porokireri kubera impamvu zinyuranye, zirimo izikurikira: 1) Ubwunganizi ntiburabona fotokopi yuzuye y'iyi dosiye kuko umwimerere wayo wahawe Uregwa ("Uwinkindi"); 2) amapaji amwe muri kopi yahawe Uwinkindi ntasomeka; 3) inyandiko y'iyi dosiye ihinduwe mu kinyarwanda ntiraboneka kandi ari rwo rurimi rwonyine Uwinkindi yumva (ibyiciro byinshi by'iyi dosiye biri mu cyongereza cyangwa mu gifaransa); 4) ibyo ari byo byose, Ubwunganizi ntiburakora iperereza ngo bubone lisiti y'abantu bashobora kuzaba abatangabuhamya bashinjura bityo babe bashakwa maze harebwe niba bashobora kuzaza gutanga ubuhamya mu Rukiko.
6. Ku itariki ya 8 Ugushyingo 2012, Ubwunganizi bwatanze igisubizo kuri izo ngingo bwubahiriza icyemezo cyafashwe na Perezida w'Inteko ku itariki ya 6 Ugushyingo 2012.
7. Ku itariki ya 14 Ugushyingo 2012, Umucamanca Athanase Bakuzakundi yagize icyo avuga ku gisubizo cyatanzwe na avoka ku itariki ya 8 Ugushyingo 2012. Mu byo yamenyesheje Ubwunganizi harimo ibikurikira: 1) Ubwunganizi bushobora kubona kopi ya dosiye elegitoroniki kuri "flash disk"; 2) bugomba kubwira Urukiko ibyiciro bya dosiye bigomba guhindurwa mu kinyarwanda kandi 3) bugomba gushyikiriza Urukiko lisiti y'abatangabuhamya bashinjura, niba bahari, kugira ngo babazwe.
8. Ibiganiriro mu Rukiko Rukuru kuri ibyo bibazo byo mu ikubitiro biracyakomeza.

9. Ku itariki ya 7 Ugushyingo 2012, Constant Hometowu nanjye twashyikirije icyifuzo Perezida w'Urukiko Rukuru rw'u Rwanda dusaba kubona dosiye ya Uwinkindi kugira ngo, igihe cyose, dushobore kuja tumenya neza iby'iburanisha naho bigeze. Ku itariki ya 9 Ugushyingo 2012, Madamu Solange Ingabire, Gerefiye ushinzwe urubanza rwa Uwinkindi, yatumenyesheje ko Perezida w'Urukiko Rukuru yemeye ibyo dusaba mu cyifuzo cyacu bityo tukaba twareba muri dosiye tukanahabwa kopi z'ibiyikubiyemo. Yadufashije kubona kopi y'icyemezo twasabaga.
10. Mu rugendo twakoze hagati y'itariki ya 3 n'ya 11 Ugushyingo 2012, twaganiriye n'abantu banyuranye twabonye ku bibazo bibiri by'ingenzi bikurikira: 1) kuba mu bucamanza bw'u Rwanda hajyaho urwego rwo kurinda umutekano w'abantu bashobora kuzaba abatangabuhamya bashinjura no 2) kuba Ubwunganizi bwahabwa ubufasha kugira ngo Uwinkindi ashobore kwiregura uko bikwiye kandi aburanishwe mu buryo buboneye bukurikije ibisabwa mu rwego mpuzamahanga nk'uko biteganywa mu cyemezo TPIR yafashe ku itariki ya 28 Kamena 2011 cyo kwimura urubanza.
11. Mu cyemezo cyo kwimura urubanza cyo ku itariki ya 28 Kamena 2011 havugwa ko u Rwanda rwari gufata ingamba zo gushinga, mu nkiko, ishami rishinzwe kurinda umutekano w'abatangabuhamya ("WPU") aho gukoresha urwego rwo kurinda abatangabuhamya ruri mu Bushinjacyaha Bukuru. Mu rugendo nagiyemo kuva ku itariki ya 3 kugera ku ya 11 Ugushyingo 2012, nakoranye inama na Bwana J.M. Olivier Rukundakuvuga, Gerefiye Mukuru mu Rukiko rw'Ikirenga rw'u Rwanda maze dusuzumira hamwe iki kibazo. Bwana Rukundakuvuga yambwiye ko Urukiko rw'Ikirenga ruherutse guha akazi umukozi ufite ubunararibonye, witwa Bwana Janvier Bayingana, wahoze akorera TPIR, nk'impuguke mu byo kurinda umutekano w'abatangabuhamya. Uyu mukozi azayobora WPU kandi akore ku buryo icyifuzo cyose cy'Ubwunganizi bwa Uwinkindi gisaba kurindira umutekano abantu bashobora kuba abatangabuhamya gisuzumwa neza kandi vuba. Numva ko Bwana Bayingana yamaze imyaka 10 akorera TPIR Arusha na Kigali nk'umukozi w'umufasha mu Ishami rishinzwe kwita ku batangabuhamya n'abakorewe ibyaha mbere y'uko akazi ke gahagarara mu mwaka wa 2011.

12. Gerefiye Mukuru mu Rukiko rw'Ikirenga yambwiye ko ubu WPU ifite amafaranga yo gukoresha kandi barimo no gushaka abandi bakozi. Yavuze ko WPU, nk'uko biteganyijwe mu cyemezo cyo kwimura urubanza cyo ku itariki ya 28 Kamena 2011, izaba idakorera mu kwaha k'Ubushinjacyaha Bukuru kandi izaba iyobowe n'inkiko.
13. Ikibazo cya kabiri cy'ingenzi twaganiriye n'abantu banyuranye kireba ni icy'ubufasha bwatangwa ku mirimo y'Ubwunganizi. Mu nama jye n'undi mugenzuzi washyizweho n'Iburo bya Gerefiye wa TPIR twakoranye na avoka mukuru mu rubanza rwa Uwinkindi, uyu avoka yavuze ko ikipe ye ihura n'imbogamizi zinyuranye kubera ko nta mafaranga ahari yo kubafasha gushaka ibimenyetso bishinjura. Yavuze ko ubufasha buhabwa Ubwunganizi buhagararira gusa ku mafaranga abavoka bahembwa kubera akazi bakora ko kunganira Uregwa, ko Ubwunganizi budahabwa amafaranga yo gushaka abakozi bo gukora ipereza cyangwa ngo buhabwe amafaranga y'ingendo cyangwa andi bakeneye kugira ngo bushake abantu bashobora kuba abatangabuhamyashinjura, buvugane na bo, bukore inyandikomvugo z'ubuhamyashinjura bwabo cyangwa ngo bukore ku buryo bazashobora kwitaba Urukiko. Byongeye kandi, avoka yavuze ko Ubwunganizi budahabwa amafaranga y'irindi perereza ryose bukora bushaka ibimenyetso bishingiye ku nyandiko.
14. Mu rugendo nagiyemo kuva ku itariki ya 3 kugeza ku ya 11 Ugushyingo 2012, bambwiye ko ku itariki ya 8 Ukwakira 2012, muri Minisitiri y'Ubutabera habereye inama yitabiriwe n'abantu bakurikira: 1. Bwana Tharcisse Karugarama, Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta, 2) Bwana Pascal B. Ruganintwali, Umunyamabanga Uhoraho muri Minisitiri y'Ubutabera, 3) Bwana Alphonse Hitiyaremye, Umushinjacyaha Mukuru Wungirije, 4) Bwana John Bosco Sibonyintore, Umushinjacyaha ku rwego rw'Igihugu akaba n'Umukuru w'Ishami rishinzwe guta muri yombi abakekwaho gukora jenocide bahunze, 5) Madamu Yasmine Chubin, Umujyama Mukuru mu by'amategako w'Umushinjacyaha Mukuru, 6) Bwana Athanase Rutabingwa, Perezida w'Urugaga rw'Abavoka rwa Kigali ("KBA") na 7) Bwana Victor Mugabe,

Umunyamabanga nshingwabikorwa wa KBA. Pascal Rugenintwali na Yasmine Chubin bampaye raporo y'iyi nama.

15. Muri iyi nama bavuze ko ku itariki ya 18 Nyakanga 2012, Gashabana, Avoka mukuru w'Uregwa, yari yahaye fagitire KBA ishingiyeye ku "mafaranga agenwa na TPIR". Mu gusubiza, KBA yamubwiye ko bahembwa hakurikijwe amafaranga KBA isanzwe itanga "nk'uko yagenwe mu wa 1997", ariko avoka yavuze ko ayo mafaranga ari "make cyane".

16. Muri iyi nama hafashwe ibyemezo bikurikira:
 - "Abavoka bagomba guhemberwa akazi bakoze kugeza ubu.
 - Amafaranga yo kubahemba abarwa hashingiye ku mafaranga asanzwe nk'uko yagenwe n'Urugaga rw'Abavoka rwa Kigali, ni ukuvuga amafaranga y'u Rwanda 30.000 ku isaha hakurikijwe iminsi n'amasaha byumvikanyweho mu nama yo ku itariki ya 21 Kanama 2012. Mu gihe kibanziriza iburanisha no mu iburanisha, avoka mukuru n'uwungirije bahembwa amafaranga angana kuri buri saha buri wese yakoze.
 - Mu gihe gikurikiraho, iburanisha ritangiye, avoka mukuru n'uwungirije bahembwa amafaranga 30.000 FR ku isaha y'iburanisha ariko ntibagomba guhemberwa amasaha arenze 6 ku munsu. Avoka abara iminsi agomba guhemberwa mu kwezi ashingiyeye ku byo uhemba (MINIJUST) ashobora kugenzura.
 - Ku byerekeranye n'amasaha yo kujya kuri gereza kubonana n'abaregwa, Minisiteri y'Ubutabera izategura ifishi yo gusura avoka azajya yuzuza, yerekana amasaha bamaranye. Aha na ho azajya ahembwa 30.000 FR kuri buri saha bamaranye.
 - Minisiteri y'Ubutabera izategura amasezerano yerekeye kunganira Uwinkindi kandi ayo masezerano agomba gushyirwaho umukono na MINIJUST, Urugaga rw'Abavoka na abavoka bunganira Uregwa. Ayo masezerano ashobora gusubirwamo hashize amezi atatu ashyizwe mu bikorwa.
 - Ku byerekeranye no gushyiraho abapererezi, Urukiko ni rwo rufite ububasha bwo kureba niba bakenewe cyangwa badakenewe.

- Mu zindi manza zizimurirwa mu Rwanda, gushyiraho abavoka bunganira abaregwa bizajya byubahiriza amasezerano Minisiteri y’Ubutabera yagiranye na KBA ku itariki ya 3 Kanama 2012.
- Abavoka ba Uwinkindi ntibategetswe gukurikiza ibi byemezo bimaze kuvugwa. Cyakora, nibahitamo kutabigenderaho, Minisiteri y’Ubutabera izasaba ko hashyirwaho abandi bavoka bujuje ibisabwa kandi bakwemera ibikubiye muri aya masezerano amaze kuvugwa”³.

17. Ku itariki ya 31 Ukwakira 2012, Bwana Athanase Rutabingwa, Perezida w’Urugaga rwa KBA, yagiranye amasezerano n’abavoka ba Uwinkindi, ari bo Bwana Gashabana na Bwana Niyibizi (“Amasezerano”). Muri ayo masezerano, hibutswa ya nama yabereye muri Minisiteri y’Ubutabera ku itariki ya 8 Ukwakira 2012 yerekeranye no guhamba abavoka. Ingingo ya 2 y’ayo masezerano iteganya ko abavoka bakora fagitire ku mubare w’amasaha bamaze bakora ku rubanza rwa Uwinkindi maze bakayishyikiriza KBA. KBA na yo yohereza iyo fagitire muri Minisiteri y’Ubutabera. Minisiteri y’Ubutabera izahamba amafaranga ari kuri iyo fagitiri mu gihe kitarenze iminsi 10 imaze kubona iyo fagitiri. Ayo masezerano ateganya ko Abavoka bazajya bahembwa 30.000 Frw ku isaha. Amasezerano avuga ko mu gihe kibanziriza iburanisha (kwiya dosiye) Ubwunganizi bushobora gukora fagitiri y’amasaha atarenze ane ku minsi kandi nta kurenza iminsi ibiri mu cyumweru. Byongeye kandi, ayo masezerano ateganya ko abavoka bazajya bahemberwa umubare ntarengwa, wagenwe mbere, w’amasaha bamaze mu Rukiko mu iburanisha kandi banahemberwe amasaha bamaranye n’Uwinkindi kuri gereza.

18. Ayo masezerano ateganya ko ingano y’ayo mafaranga yagenwe, cyane cyane ayerekeranye n’akazi gakorwa mu gihe kibanziriza iburanisha, ishobora guhindurwa hashize amezi atatu ayo masezerano asinywe.

19. Ku itariki ya 5 Ugushyamba 2012, jye na Constant Hometowu twakoranye inama na Bwana Pascal Rugenintwali. Rugenintwali yaduhaye kopi y’amasezerano KBA yagiranye na Minisiteri

³ Bisubiwemo uko bimeze, nta gihinduweho.

y'Ubutabera ku itariki ya 3 Kanama 2012 yerekeranye n'uko iyo minisiteri yiyemeje guha abaregwa ababunganira, mu rwego rwo gufasha abadashoboye kwirihira abavoka, binyuze muri KBA, igahemba abavoka bunganira abaregwa jenoside bimuriwe mu Rwanda hashingiwe ku bufatanye mpuzamahanga mu by'ubucamanza.

20. Rugenintwali yanambwiye ko Minisiteri y'Ubutabera yagennye ingengo y'imari Ubwunganizi bushobora gukoresha mu iperereza ryabwo, Urukiko Rukuru ruramutse rushyikirijwe kandi rukemera icyifuzo kibisaba. Yanatubwiye ko kuba Minisiteri y'Ubutabera itanga ayo mafaranga biteganywa n'Itegeko Ngenga ku mikoreshereze y'imari ya Leta. Iryo tegeko riteganywa ko Minisiteri y'Ubutabera yishyura abavoka ari uko hakozwe fagitiri. Iyo fagitiri ikozwe hashingiwe ku itegeko rikurikizwa, icyo gihe Minisiteri y'Ubutabera yishyura ayo mafaranga asabwa. Yongeyeho ko amategeko yo mu Rwanda adateganywa ko Ubwunganizi bukora iperereza, bityo hakaba hadateganywa amafaranga yo guhamba abapererezi b'Ubwunganizi. Cyakora, Urukiko Rukuru rubitangiye uruhushya, Minisiteri y'Ubutabera yabyubahiriza maze igatanga amafaranga kuri abo bantu.
21. Ku itariki ya 5 Ugushyingo 2012, jye na Constant Hometowu twabonye na Bwana Victor Mugabe, Umunyamabanga nshingwabikorwa wa KBA (wari uhagarariye Bwana Athanase Rutabingwa, Perezida kwa KBA). Mugabe yatubwiye ko KBA izaha Uwinkindi abamwunganira mu rwego rwo gufasha abadashobora kwiyishyurira abavoka, binyuze muri Minisiteri y'Ubutabera. Yongeyeho ko mu minsi ya vuba, Bwana Gashabana, avoka mukuru muri urwo rubanza, yari gukora inyandiko yahinduwe y'amafaranga asaba ko KBA yamuhembera imirimo yakoze mu bwunganizi bwa Uwinkindi kuva yashingwa ako kazi muri Mata 2012.
22. Bwana Mugabe yongeyeho ko, nk'uko biteganywa n'Amategeko agenga imiburanishirize y'imanza z'inshinjabyaha y'u Rwanda, ubugenzacyaha ni bwo bukorera iperereza Ubwunganizi. Cyakora, Urukiko Rukuru rwemereye Ubwunganizi kwikorera iperereza ryabwo, KBA yaganira na Minisiteri y'Ubutabera ku byerekeranye no gutanga amafaranga yo gukora iperereza, nk'uko bigaragara muri raporo y'inama yo ku itariki ya 8 Ukwakira 2012. Mugabe yanavuze ko Ubwunganizi bushobora gukoresha ibikoresho bya KBA nk'imashini zifotora impapuro, telefone

n'ibindi. Bityo rero, Ubwunganizi ntibuhemberwa ibyo bintu mu rwego rw'ubufasha bugenerwa Uregwa.

23. Nk'uko bivugwa haruguru, jye na Constant Hometowu twakoranye inama eshatu na Bwana Gashabana, avoka mukuru. Inama yo ku itariki ya 8 Ugushyingo 2012 yabereye kuri Gereza Nkuru ya Kigali n'Uwinkindi ahari.
24. Gashabana yambwiye ko Uwinkindi atanze gusubiza ibibazo by'Ubushinjacyaha. Uwinkindi yavuze gusa ko imihango yose ibanziriza iburanisha nirangira, ari bwo azemera gusubiza ibibazo by'Ubushinjacyaha. Gashabana yanavuze ko urubanza rwa Uwinkindi rutandukanye n'izindi manza z'inshinjabyaha zimenyerewe mu nkiko z'u Rwanda. Mu by'ukuri, urwo rubanza ruri mu cyiciro cyihariye kuko ari urubanza TPIR yimuriye mu Rwanda kandi, by'umwihariko, rukaba rugengwa n'Itegeko ngenga N11/2007 ryo ku itariki ya 16 Werurwe 2007 ryerekeranye no kwimurira muri Repubulika y'u Rwanda imanza zivuye mu Rukiko Mpanabyaha Mpuzamahanga rwashyiriweho u Rwanda ("Itegeko ryerekeranye no kwimura imanza"). Gashabana avuga ko haramutse habaye kugongana hagati y'Itegeko ryerekeranye no kwimura imanza n'Amategeko agenga imiburanishirize y'imanza z'inshinjabyaha y'u Rwanda, itegeko ryerekeranye no kwimura imanza ari ryo ryagenderwaho. Yavuze ko kubera ko kugeza ubu nta mafaranga yagenewe iperereza ry'Ubwunganizi, iperereza ryose ryakorwa ari uko Urukiko Rukuru rubitangiye uburenganzira. Bityo rero, Ubwunganizi ntibushobora gutanga ibimenyetso bishinjura ngo bwiregure ku byo Ubushinjacyaha buvuga, kereka Urukiko Rukuru rumaze gufata icyemezo kuri iki kibazo.
25. Ku byerekeranye no guhamba abunganira Uregwa mu rwego rwo gufasha abadashoboye kwirihira abavoka, Gashabana yavuze ko yashyikirije KBA fagitiri y'amafaranga bagomba guhembwa ku gihe cy'amezi atandatu bamaze bakora imirimo y'ubwunganizi bwa Uwinkindi. Avuga ko ku itariki ya 9 Nyakanga 2012, yashyikirije KBA inyandiko ikubiyemo gahunda irambuye y'imirimo, anasaba ko hashyirwaho ikipe y'Ubwunganizi ndetse bakanahembwa. Kuva icyo gihe, Ubwunganizi ntibwigeze bubona igisubizo cya KBA mu nyandiko, byarindiriye ko urwo rugaga rubona raporo y'inama yabereye muri Minisiteri y'Ubutabera ku itariki ya 8 Ugushyingo

2012⁴. Gashabana avuga ko amafaranga 30.000 Frw ari yo make atangwa ku bavoka bunganira abaregwa mu manza zisanzwe ziburanishwa mu nkiko z'u Rwanda. Asobanura ko uwo mubare w'amafaranga 30.000 Frw wakuwe mu nyandiko yitwa "*Le Règlement sur le barème des honoraires et des frais*" yemejwe muri Gicurasi 2001 ni ukuvuga hafi imyaka 12 ishize. NK'uko bivugwa ahiswe *Troisième methode: honoraires horaires*, amafaranga 30.000 Frw ni «umubare fatizo» kandi ntashobora gushingirwaho mu rubanza rw'insobe nk'urwa Uwinkindi, rukenewemo abatangabuhamya bashinja n'abashinjura babarirwa muri za mirongo kandi bari ahantu hatandukanye mu Rwanda ndetse no hanze y'u Rwanda.

26. Gashabana anavuga ko n'ubwo hari intera yatewe mu byerekeranye no gushyiraho amafaranga y'ifatizo agomba guhembwa abavoka bunganira Uwinkindi mu rwego rwo gufasha abadashoboye kwiyishyurira abavoka, imirimo ikorwa mu cyiciro kibanziriza iburanisha ntaho ihuriye n'imirimo izakorwa kuko dosiye TPIR yimuriye mu Rwanda igizwe n'inyandiko zifite amapaji abarirwa mu magana, n'andi mapaji agera ku 2.000 Ubushinjacyaha bw'u Rwanda bwongeyemo. Avoka yongeraho ko nta mafaranga yateganirijwe indi mirimo nk'iyi gukora za fotokopi, guhamagara kuri telefone, ingendo za hafi cyangwa iza kure, amafaranga agenda ku mirimo y'ubunyamabanga n'ibindi⁵.
27. Ku itariki ya 6 Ugushyingo 2012, nabonanye n'Uwinkindi kuri Gereza Nkuru ya Kigali. Muri iyo nama, nari ndi kumwe na Constant Hometowu, umugenzuzi wa kabiri washyizweho n'Iburo bya Gerefiye n'umusemuzi ukora muri MICT i Kigali.
28. Uwinkindi afungiyemo mu gice cyahariye cy'iyi gereza nkuru ya Kigali (izwi kandi ku izina rya «1930»). icyo gice cyubakiwe gufungirwamo abaregwa bimuriye mu Rwanda bavuye muri TPIR cyangwa mu bindi bihugu. Uwinkindi afite akumba afungiyemo wenyine kandi muri icyo gice

⁴ Victor Mugabe, Umunyamabanga nshingwabikorwa wa KBA, yavuze ko «KBA na avoka mukuru bakoranye inama nyinshi ndetse bakanavugana kuri telefone »

⁵ Victor Mugabe, Umunyamabanga nshingwabikorwa wa KBA, yavuze ko kuba ayo mafaranga adatangwa biterwa n'uko KBA ifite ibyo bikoresho.

harimo aho bituma n'ubwiyuhagiriro. Muri icyo gice, hari imbuga abafungwa bashobora kugendagendamo, bagakora siporo ndetse bakota n'akazuba. Komite Mpuzamahanga y'Umuryango Utabara Imbabare (« CICR ») isura iyo Gereza nkuru ya Kigali.

29. Uwinkindi yasobanuye ko mbere y'iyi nama twagiranye hari igihe yigeze kurwara giripe ariko baramuvura. Yavuze ko n'ubwo ahabwa ifunguro inshuro eshatu ku muni, bamuha ibiryo bimwe nta kumhindurira, kandi, by'umwihariko, ibyo biryo biba bitekesheje amavuta menshi cyane, ku buryo bishobora kumwangiriza ubuzima. Yavuze ko yagegeje icyo kibazo ku muyobozi wa gereza bityo akaba ategereje ko hari icyahinduka mu muni ya vuba. Byongeye kandi, hari ibindi bibazo yagejeje ku muyobozi wa gereza, akaba yizeye ko bizabonerwa umuti. Uwinkindi yanagaragaje ko afite impungenge z'uko abandi bantu bashobora kumenya ibikubiye mu nyandiko afite cyangwa bakamenya ibivugwa mu nama agirana na avoka mukuru we kuko rimwe na rimwe izo nama ziba hari abandi bantu cyangwa zikabera ahantu abandi bantu bashobora kumva ibyo bavuga, cyane cyane abapolisi bambaye imyenda ya gisiviri bakunda kuza mu gice afungiyemo.
30. Uwinkindi yavuze ko yifuzaga ko twongera kubonana, hari na avoka we kandi narabyemeye. Ni muri urwo rwego ku itariki ya 8 Ugushyamba 2012, jye na Constant Hometowu twakoranye inama n'Uwinkindi hari na Gashabana. Muri icyo nama, avoka yatubwiye ko n'ubwo Uwinkindi ari pasitori atari yashobora kujya gusenga muri shapeli ya gereza. Cyakora mu ibaruwa yo ku itariki ya 29 Ukwakira 2012, Komiseri Mukuru w'Ikigo cy'igihugu gishinzwe abafungwa n'abagororwa mu Rwanda yemereye Uwinkindi kujya ajya gusengera muri icyo shapeli « igihe cyose abishakiye».
31. Mbere yo kubonana n'Uwinkindi ku itariki ya 6 Ugushyamba 2012, nakoranye inama na Bwana Gahima Rusa, umuyobozi wa gereza, kuri Gereza Nkuru ya Kigali. Bwana Rusa yatubwiye ko Uwinkindi afite ubuzima bwiza, ko agaburirwa gatatu ku muni kandi ko kuri buri nshuro ahindurirwa indyo. Yanatubwiye ko Uwinkindi ashobora guhamagara kuri telefone abajyanama be mu by'amategeko ndetse ko yanahawe mudasobwa igendanwa, *flash disk* n'imashini isohora

impapuro (*printer*). Uwinkindi ashobora kubonana n’abavoka be mu ibanga kandi nta muntu wemerewe kubona inyandiko cyangwa mudasobwa bye.

32. Ku itariki ya 7 Ugushyingo 2012, jye na Constant Hometowu twabonye na Bwana Jean-Bosco Mutangana, Umushinjacyaha ku rwego rw’Igihugu ushinze urubanza rwa Uwinkindi, na Madamu Yasmine Chubin, Umujyama muku mu by’amategeko w’Umushinjacyaha Mukuru w’u Rwanda. Bwana Mutangana yambwiye ko Ubushinjacyaha bwatanze dosiye ifite amapaji ageze ku 1.200 kandi ko bwiteguye gutangira gutanga ibimenyetso bishinje igihe cyose Urukiko Rukuru ruzabibasabira. Yavuze ko Ubushinjacyaha kwasabye Urukiko Rukuru guhamagaza abatangabuhamya bagera kuri 60. Yongeyeho ko, kugeza ubu, Ubwunganizi butari kwasaba Ubushinjacyaha inkunga iyo ari yo yose, mu byerekeranye no gukora iperereza no/cyangwa gushaka abatangabuhamya cyangwa kubarindira umutekano.
33. Madamu Yasmine Chubin yanatanze inyandiko ikubiyemo ibisobanuro ku ngingo eshatu zikurikira : 1) ishingiro mu mategeko ryo kuba inteko iburanisha imanza zimuriwe mu Rwanda igizwe n’abacamanza batatu ; 2) aho ibyerekeranye n’urubanza rwa Uwinkindi bigeze ubu ; na 3) iperereza ry’Ubwunganizi.
34. Ku itariki ya 8 Ugushyingo 2012, jye na Constant Hometowu twakoranye inama y’umwanya muto na Bwana Martin Ngoga, Umushinjacyaha Mukuru w’u Rwanda hari na Madamu Yasmine Chubin. Bwana Ngoga yavuze ko ibiro bye byiteguye gufasha Urwego rw’ubugenzuzi rwashyizweho na TPIR kandi ko abagenzuzi bashobora gusaba ibiro bye inkunga yose cyangwa amakuru yose bakeneye.
35. Mu rugendo nakoze hagati y’itariki ya 3 n’iya 11 Ugushyingo 2012, nanabonye n’abantu banyuranye bafite aho bahuriye n’urubanza rwa Uwinkindi. Muri abo bantu harimo abahagarariye ibihugu byabo i Kigali n’abahagarariye amashami y’Umuryango w’Abibumbye n’aba Leta y’u Rwanda ndetse n’abahagarariye imiryango itegamiye kuri Leta.

UMWANZURO

36. N'ubwo nta tariki iragenwa yo gutangira kuburanisha urubanza mu mizi yarwo, byitezwe ko Urukiko Rukuru ruzayishyiraho nyuma yo gufata ibyemezo ku byifuzo bibanziriza iburanisha rwashyikirijwe.

Murakoze.

[Umukono]

Anees Ahmed

Umukuru w'Ingereko

Umugenzuzi washyizweho na TPIR mu rubanza rwa Uwinkindi