



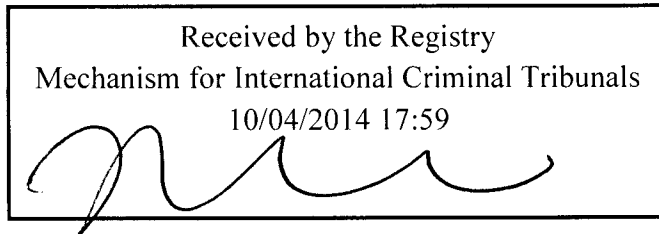
**Urukiko Mpanabyaha Mpuzamahanga
Rwashyiriweho u Rwanda**

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12 Nzeri 2013



Kuri: Perezida w'Urukiko Mpanabyaha Mpuzamahanga
Rwashyiriweho u Rwanda (« TPIR »)

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

Binyujijwe kuri: Gerefiye wa TPIR
Gerefiye wa MICT

Byanditswe na: Anees Ahmed
Umugenzuzi wa TPIR mu rubanza rwa Uwinkindi

**Raporo y'ubugenzuzi mu rubanza rwa Uwinkindi
(Nyakanga-Kanama 2013)¹**

I. INTANGIRIRO

1. Iyi raporo y'ubugenzuzi irebana n'ibyakozwe mu rubanza rwa Uwinkindi mu nkiko z'u Rwanda n'imibonano abagenzuzi bashyizweho na TPIR bagiranye n'abantu banyuranye barebwa n'urubanza muri Nyakanga na Kamena 2013

¹ Kugira ngo amakuru abe yuzuye, by'umwihariko ku birebana no kunganira Uregwa, n'ibiganiro byabaye hagati y'Ubwunganizi w'Uregwa na Minisiteri y'Ubutabera ku bijyanye n'abakozi bashinzwe gukorerwa Ubwunganizi iperereza, raporo z'amezi ya Nyakanga na Kanama zitanzwe mu nyandiko imwe. Perezida wa TPIR yemereye abagenzuzi kubikora ku itariki ya 29 Kanama 2013.

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- (« igihe cyakozweho raporo »)². Muri iki gihe cyakozweho raporo, abagenzuzi (Anees Ahmed na Constant Hometowu), bagiye mu Rwanda inshuro eshatu.³
2. Mu gihe cyakozweho raporo kivugwa hano, nta mirimo irebana n'iburanisha mu rukiko yabayeho.
 3. Ku itariki ya 5 Nzeri 2013, inteko igizwe n'abacamanza batatu bo mu Rukiko Rukuru rw'u Rwanda, yafashe icyemezo ko urubanza ruzatangira kuburanishwa ku itariki ya 11 Ukwakira 2013.
 4. Ikibazo cyo guha Ubwunganizi bwa Uwunkindi ibikenewe mu rwego rwo gukora ipereza kiracyagibwaho impaka hagati ya Minisiteri y'Ubutabera n'Ubwunganizi.

II. RAPORO IRAMBUYE

- a. *Amafaranga agomba guhabwa Ubwunganizi, n'itariki urubanza ruzatangiriraho kuburanishwa*
5. Mu bikubiye mu cyemezo Urukiko Rukuru rw'u Rwanda rugizwe n'inteko y'abacamanza batatu rwafashe ku itariki ya 16 Gicurasi 2013, harimo ibikurikira :
 - a. Rwanze icyifuzo cy'Ubwunganizi gisaba guhabwa abaperezezi n'abafasha mu by'amategeko bakorera Ubwunganizi;
 - b. Rwategetse Ubwunganizi kwegera Minisiteri y'Ubutabera n'Urugaga rw'Abavoka rwa Kigali, kugira ngo bubone amafaranga yo gukora iperereza rizakorwa n'Ubwunganizi⁴ kandi

² By'umwihariko, iyi raporo irimo ibyavuzwe mu iburanisha mu Rukiko Rukuru ryo ku itariki ya 5 Nzeri 2013, kuko iri buranisha rifitanye isano ya hafi n'ibyavuzweho muri iyi raporo.

³ Izi ngendo kandi zivuga ku byakozwe mu bugenzuzi bw'urubanza rwa Bernard Munyagishari woherejwe na TPIR mu Rwanda kugira ngo ahaburanishirizwe, ku itariki ya 24 Nyakanga 2013.

- c. Rwavuze ko iburanisha ryimuriwe ku itariki ya 5 Nzeri 2013
6. Abunganira Uregwa ari bo Gatera Gashabana na Jean Baptiste Niyibizi bambwiye ko mu gihe cy'iri genzura, bavuganye n'abakozi bakuru bo muri Minisiteri y'Ubutabera ku birebana no kuba bahabwa amafaranga yo gukora iperereza. Abunganizi bavuga ko Minisiteri y'Ubutabera yababwiye ko nta mafaranga ashobora kuboneka mbere y'itariki ya 15 Nyakanga 2013, kuko ayo mafaranga nta handi yaturuka uretse ngengo y'imari y'Igihugu ya 2013-2014, kandi nyuma y'iyi tariki. Ubwunganizi bwambwiye ko na nyuma y'itariki ya 15 Nyakanga 2013, imishyikirano yabo na Minisiteri y'Ubutabera nta cyo yagezeho, kuko Minisiteri y'Ubutabera yasabye ibindi bisobanuro ku birebana n'amafaranga yasabwaga. Ubwunganizi bwambwiye ko buzamenyesha Urukiko Rukuru izi mbogamizi igihe urubanza ruzasubukurwa ku itariki ya 5 Nzeri 2013.
7. Ku itariki ya 7 Kanama 2013, nagiranye inama na Pascal Ruganintwali, Umunyamabanga Uhoraho muri Minisiteri y'Ubutabera akaba n'Intumwa nkuru ya Leta yungirije, ku byerekeye icyifuzo cy'Ubwunganizi gisaba amafaranga. Ruganintwali yambwiye ko itariki ya nyuma yo gutanga icyifuzo gisaba amafaranga aya muri ngengo y'imari y'igihugu ya 2012-2013 yari iya 15 Nyakanga 2013, Minisiteri y'Ubutabera ntiyari gushobora guha Ubwunganizi amafaranga yo gukoresha icyo ari cyo cyose avuye mu ngengo y'imari ya 2012-2013. Ikindi kandi, amafaranga azava ku ngengo y'imari ya 2013-2014 azaboneka gusa nyuma y'itariki ya 15 Nyakanga 2013. Ruganintwali yanavuze ko Minisiteri y'Ubutabera yakoranye inama n'Urugaga rw'Abavoka rw'i Kigali n'Ubwunganizi bwa Uwinkindi. icyakora Ruganintwali avuga mu byo Ubwunganizi kwasabaga hari ibintu by'ingenzi bitari bisobanutse neza, bityo Minisiteri y'Ubutabera ikaba itari kubyemera. Kubera izo mpamvu, Minisiteri

⁴ Ijambo « Ubwunganizi » rirakoreshwa mu kuvuga umuntu umwe cyangwa benshi.

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- y'Ubutabera yasabye ko Ubwunganizi butanga icyifuzo gisaba amafaranga cyakorewe ubugororangingo kandi gisobanuye kurushaho ku bikorwa bikeneye amafaranga n'umubare w'amafaranga kuri buri gikorwa. Ruganintwali avuga ko icyifuzo cyakorewe ubugororangingo cyari kitaraboneka ku itariki twabonaniyeho (7 Kanama 2013).
8. Ruganintwali yambwiye ko Minisiteri y'Ubutabera nimara gushyikirizwa icyifuzo gikorewe ubugororangingo izafata icyemezo mu buryo bwihuse kubirebana no gutanga amafaranga. Ruganintwali yambwiye ko azakomeza gukorana n'Urugaga rw'Abavoka rw'i Kigali n'Ubwunganizi kuri iki kibazo.
 9. Athanase Rutabingwa, Perezida w'Urugaga rw'Abavoka rw'i Kigali na we yemeje ko Urugaga rw'Abavoka b'i Kigali rwavuganye na Minisiteri y'Ubutabera ku birebana no gutanga amafaranga yo gukora iperereza ku ruhanda rw'Ubwunganizi bwa Uwinkindi, kandi ko icyemezo cya nyuma kizafatwa na Minisiteri y'Ubutabera. N'ubwo amafaranga azatangwa na Minisiteri y'Ubutabera, azashyikirizwa Ubwunganizi binyuze ku Rugaga rw'Abavoka b'i Kigali hakurikijwe imikorere iriho ubu.
 10. Ku itariki ya 7 Kanama 2013, umwunganizi mukuru Gashabana yamenyesheje ko muri icyo gitondo Ubwunganizi bwari bwatanze ingengo y'imari isobanuye ku buryo burambuye nk'uko Minisiteri y'Ubutabera yabisabye.
 11. Ku itariki ya 19 Kanama 2013, Ubwunganizi bwashyikirije icyifuzo Urukiko Rukuru rw'u Rwanda, burumenyesha aho imishyikirano yabo na Minisiteri y'Ubutabera igeze. Ubwunganizi bwamenyesheje Urukiko ko butashoboye kubonana n'abatangabuhamya bashinjura, kubera ko butabonye amafaranga, ko bityo butashoboye gutegura urubanza uko bikwiye. Kubera izo mpamvu, Ubwunganizi bwavuze ko bukeneye kongererwa igihe cy'amezi atandatu uhereye igihe Minisiteri y'Ubutabera izatangira amafaranga yo gutegura urubanza.

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Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

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12. Ku itariki ya 5 Nzeri 2013, habaye iburanisha ry'uru rubanza imbere y'inteko y'abacamanza batatu b'Urukiko Rukuru rw'u Rwanda (baburanishirizaga mu cyumba cy'Urukiko rw'Ikirenga). Inteko yari igizwe n'abacamanza Alice Ngendakuliyo Perezida w'inteko, Angeline Rutazana na Cassien Nzabonimana. Ubushinjacyaha bwari buhagarariwe na Jean Bosco Mutangana na Bonaventure Ruberwa. Uregwa yari mu Rukiko ari kumwe n'umwunganizi we Niyibizi. Urukiko rwamenyeshwe ko umwunganizi mukuru Gashabana yari arwaye ko atari gushobora kuza mu rubanza.
13. Urubanza rugitangira, Niyibizi yamenyeshwe Urukiko ko Ubwunganizi butashoboye gutanga imyanzuro ya bwo isubiza iyatanzwe na Porokireri, mu mpamvu bwatanze hakaba harimo ko Minisiteri y'Ubutabera itabuhaye amafaranga yari akenewe kugira ngo bushobore kubonana n'abantu bashobora kuba abatangabuhamya mu rwego rwo gutegura imyiregurire y'Ubwunganizi. Niyibizi yavuze ko Ubwunganizi bwandikiye kandi bukanabonana n'abayobozi bo muri Minisiteri y'Ubutabera n'abo mu Rugaga rw'Abavoka rw'i Kigali ariko ko nta gisubizo nyacyo bwari bwabona.
14. Mu rwego rwo gusubiza ku cyifuzo cy'Ubwunganizi cyo kongererwa igihe, Ubushinjacyaha bwavuze ko bwabonye amabaruwa y'Ubwunganizi yo ku itariki ya 19 Kanama 2013 no ku ya 3 Nzeri 2013 asaba kongererwa igihe cy'amezi atandatu kugira ngo butegure imyiregurire ya bwo. Ubushinjacyaha bwavuze ko Ubwunganizi butakoranye umurava n'ubudakemwa mu mibonano bwagiranye na Minisiteri y'Ubutabera n'Urugaga rw'Abavoka rw'i Kigali. Ubushinjacyaha bwavuze ko isuzumwa ry'inyandiko rigaragaza ko habaye inama ku itariki ya 24 Kamena 2013 yahuje abayobozi bo muri Minisiteri y'Ubutabera, Urugaga rw'Abavoka rw'i Kigali, n'Ubwunganizi. Porokireri yemeje ko muri iyo nama, Minisiteri y'Ubutabera yasobanuriye Ubwunganizi ko bugomba gutanga vuba na bwangu gahunda y'akazi irambuye irebana na anketi bifuzaga gukora aho gusaba

gusa umubumbe w'amafaranga. Ubushinjacyaha bwavuze ko Ubwunganizi bwategereje itariki ya 22 Kanama 2013 akaba ari ho butanga iyi gahunda y'akazi irambuye bityo bukaba bwaradindije gahunda yo gutanga ibyari bikenewe. Ubushinjacyaha bwavuze ko mu gihe cy'amezi atandatu guhera muri Nyakanga 2012, Ubwunganizi bwabaye miliyoni 38 z'amafaranga y'u Rwanda mu Rugaga rw'Abavoka rw'i Kigali mu rwego rwo gutegura urubanza. Ubushinjacyaha bwavuze ko Ubwunganizi bwagombye kuba bwarakoresheje ayo mafaranga mu kubonana n'abatangabuhamya babwo no mu gutegura urubanza. Ubushinjacyaha buvuga ko Ubwunganizi bwatanze gahunda y'akazi izatwara miliyoni 103 z'amafaranga y'amanyarwanda mu rwego rwo gukora iperereza, yiyongera kuri miliyoni 38 bwahawe y'igihembo cy'akazi. Ubushinjacyaha bwavuze ko hazirikanywe igihe gishize n'amafaranga yatanzwe, Ubwunganizi bwagombye kuba bwarabonye n'abatangabuhamya ba bwo bose, cyane cyane abari mu Rwanda. Kubera izo mpamvu, Ubushinjacyaha bwabaye Urukiko kwemeza ko Ubwunganizi bwatindije urubanza kubera izindi impamvu kandi bukoresha imari ya Leta mu « buriganya ». Mu gusoza, Ubushinjacyaha bwabaye Urukiko gutegeka ko urubanza rutangira kuburanishwa mu mizi yarwo mu gihe cya vuba, rugatangira rwumva abatangabuhamya bashinjura baba mu Rwanda, bunavuga ko Ubwunganizi bwakomeza imishyikirano na Minisiteri y'Ubutabera mu rwego rwo gusaba amafaranga yo gushaka abatangabuhamya bashinjura baba hanze.

15. Mu gisubizo cye, Niyibizi yavuze ko atangajwe n'ibyavuzwe n'Ubushinjacyaha. Yavuze ko Ubwunganizi bwatanze vuba gahunda yayo ya mbere y'akazi bukayihira Urugaga rw'Abavoka rw'i Kigali ku itariki ya 22 Gicurasi 2013 hashize icyumweru kimwe Urukiko Rukuru rufashe icyemezo cyo ku itariki ya 16 Gicurasi 2013. Niyibizi yabwiye Urukiko ko Ubwunganizi bwagiranye inama na Minisiteri y'Ubutabera, muri icyo nama Minisiteri y'Ubutabera ikabubwira ko nta mafaranga ashobora kuzaboneka kugera nibura ku itariki ya 15 Nyakanga

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2013. Niyibizi yavuze ko Ubwunganizi bugitegereje kubona raporo yemewe y'iyo nama n'icyo Minisiteri y'Ubutabera izabubwira. Niyibizi yavuze ko Ubushinjacyaha butagomba kwivanga mu mishyikirano bugirana n'Urugaga rw'Abavoka na Minisiteri y'Ubutabera, kandi ko Ubushinjacyaha butagomba kugira uruhari na rumwe mu kugena umubare w'amafaranga Ubwunganizi bugomba guhabwa mu rwego rwo kunganira Uwinkindi. Niyibizi yatsindagiye ko amafaranga Urugaga rw'Abavoka rw'i Kigali rwashyikirije Ubwunganizi yari ayo gusuzuma imiterere y'urubanza no kubonana n'Uregwa gusa. Amasezerano y'akazi akurikizwa ubu hagati y'abunganira Uregwa n'Urugaga rw'Abavoka rw'i Kigali, ntabwo ateganya amafaranga y'ingendo cyangwa andi mafaranga akoreshwa mu gihe cyo gukora iperereza no kubonana n'abatangabuhamya.
16. Mu gisubizo cya bwo, Ubushinjacyaha bwavuze ko abunganira Uregwa basuye Uwinkindi kuri gereza nibura inshuro enye buri cyumweru, akaba nta kimenyetso gifatika kigaragaza ko byari mu rwego rwo gutegura urubanza. Ubushinjacyaha bwongeye kuvuga ko iyi mikorere idahwitse y'Ubwunganizi igaragaza ko buri gutinza urubanza bukoresha uburiganya, busaba ko Urukiko rutegeka ko urubanza rutangira vuba, humvwa ubuhamya bw'abatangabuhamya 35 bavuzwe n'Ubwunganizi batuye mu Rwanda.
17. Rumaze kumva Ubushinjacyaha n'umwunganizi wungirije, Urukiko rwabajije Uwinkindi ubwe, niba yemera igihe cyo gutangira urubanza cyavuzwe, abatangabuhamya batuye mu Rwanda bagatangira gutanga ubuhamya mu gihe ikibazo kirebana no gushaka amafaranga yo gushaka abatangabuhamya batuye hanze kizaba gishakirwa umuti. Uwinkindi yikirije ko abyemeye akoresheje umutwe.

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Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

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18. Nyuma y'impaka z'abacamanza zabereye mu mwiherero zamaze isaha imwe, Urukiko rwatanze icyemezo kigufi cyanditse.⁵ Muri icyo cyemezo havuzwe ko Ubwunganizi bwagombye kuba bwaratanze imyanzuro yabwo ku itariki ya 20 Kanama 2013, kandi ko butabyubahirije. Urukiko rwibukije kandi ko urubanza ruzatangira kuburanishwa humvwa abatangabuhamya bashinjura batuye mu Rwanda, ibyo bikazatuma hakomeza kuba imishyikirano hagati y'Ubwunganizi na Minisiteri y'Ubutabera ku byerekeye amafaranga yo gushaka abatangabuhamya batuye hanze. Urukiko rwavuze ko Uwinkindi yemeye icyo gitekerezo. Kubera izo mpamvu, Urukiko rwategetse Ubwunganizi kuzatanga imyanzuro yabwo ku itariki ya 3 Ukwakira 2013, ruvuga ko urubanza ruzatangira kuburanishwa mu mizi ku ya 11 Ukwakira 2013.
19. Nyuma yaho, ku itariki ya 8 Nzeri 2013, tuvugana na Gashabana, yambwiye ko Ubwunganizi buzagira ingorane zo gutegura urubanza Minisiteri y'Ubutabera itabuhaye amafaranga, kuko Ubwunganizi bukeneye gukora iperereza yewe no mu rwego rwo gusubiza ku bivugwa muri dosiye y'Ubushijacyaha no kubaza ibibazo binyomoza abatangabuhamya bashinja.
- b. Ibibazo birebana no kuburanisha urubanza ruboneye*
20. Mu gihe cy'iri genzura, abagenzuzi babonanye n'Uwinkindi inshuro enye. Muri iyi mibonano harimo itatu yavuze ku bibazo mu buryo burambuye twagiranye kuri gereza nkuru ya Kigali hari n'umwunganizi mukuru, n'undi mubonano twagiranye ku Rukiko Rukuru nyuma y'iburanisha ryo ku itariki ya 5 Nzeri 2013.
21. Mu mubonano twagiranye ndi kumwe na Constant Hometowu ku itariki ya 29 Nyakanga 2013, Uwinkindi yavuze ko uburenganzira bwe bwo gucirwa

⁵ Icyo cyemezo cyasomewe mu rukiko. Abagenzuzi basabye kopi y'icyo cyemezo cyanditse, ariko ntabwo barayihabwa.

- urubanza ruboneye butubahirizwa kubera ko abunganizi be batahawe amafaranga yo gushakisha abatangabuhamya bashinjura, ngo babonane na bo, bababaze ibibazo, kandi abenshi muri bo batuye hanze. Uwinkindi yavuze ko ubu bigoye gutanga urutonde rwuzuye rw'abatagabuhamya kubera ko abunganizi batarashobora kuvugana n'abantu bashobora kuzaba abatangabuhamya cyangwa ngo bamenye aho bari. Uwinkindi yongeyeho ko Ubwunganizi budashobora kumenya niba umuntu ashobora gutanga ubuhamya mu rukiko cyangwa imiterere y'ubwo buhamya, kandi ataravugana na we. Yavuze ko Ubwunganizi butazi ahantu bamwe mu bashobora kuzaba abatangabuhamya baherereye. Kubera izo mpamvu, kuzamenya aho abantu bakenewe bari bizatwara amafaranga menshi cyane. Uwinkindi yakomeje avuga ko Ubushinjacyaha bwabonye igihe kirekire, abakozi n'ibintu bikenewe kugira ngo bukore iperereza ryabwo, birenze kure ibihabwa Ubwunganizi, Ubwunganizi bukaba bwarananiwe no gutegura urubanza kubera ibibazo by'amafaranga. Uwinkindi avuga ko iyi miterere y'ibintu yatumye kandi izakomeza gutuma habaho kutanganya ubushobozi hagati y'ababuranyi bombi, bikaba bizabangamira bikomeye Ubwunganizi mu gutegura urubanza.
22. Mu wundi mubonano twagiranye ku itariki ya 6 Kanama 2013 kuri gereza, Uwinkindi yavuze ko afunzwe kandi akaburanishwa arengana, kuko Inyandiko y'ibirego ivugwamo umuntu witwa Jean Bosco Uwinkindi kandi izina rye nyakuri ari Jean Uwinkindi. Uwinkindi avuga ko haba muri TPIR cyangwa mu nkinko z'u Rwanda, nta wigeze yita kuri iri kosa, akongeraho ko ibi bintu byamuviriyemo akarengane gakomeye. Uwinkindi yakomeje avuga ko we nk'umupasiteri usanzwe, atashoboraga kuba yarabaye umuyobozi ukuriye abasirikare bo mu ngabo z'u Rwanda, abajandarume, interahamwe cyangwa abandi basiviri, haba mu rwego rw'amategeko cyangwa mu bikorwa.
23. Uwinkindi avuga ko nta butabera azabonera mu Rwanda gusa kubera ko abashinjacyaha, abacamanza, n'abandi bose bakora ku rubanza rwe ari abo mu

- bwoko butandukanye n’ubwe. Uwinkindi avuga ko mu Rwanda yimwe uburenganzira bwo gufatwa nk’umwere mu gihe atarakatirwa, kubera ko itanganzamakuru n’abayobozi b’igihugu bajya bavuga ko ahamwa n’ibyaha aregwa.
24. Mu kurangiza, Uwinkindi yavuze ko ihindurwa ry’Itegeko rirebana n’iyimurwa ry’imanza ryabaye ku itariki ya 17 Kamena 2013, ribangamiye uburenganzira bw’abafungwa bimuriwe mu Rwanda, kandi ko u Rwanda rwabangamiye uburenganzira bwe bwo gucirwa urubanza ruboneye. Kuri iki kibazo, Uwinkindi nta makuru arambuye kurushaho yaduhaye, icyakora yavuze ko Ubwunganizi buzakivugaho igihe nikigera. Yavuze nyamara ariko ko icyemezo cyafashwe na TPIR cyo kohereza urubanza rwe mu Rwanda, cyafashwe hizewe ko ibivugwa mu Itegeko rirebana no kohereza imanza mu Rwanda ari byo bizagenderwaho mu iburanisha uko byari biteye igihe cyo kohereza urubanza mu Rwanda⁶. Uwinkindi avuga ko, ruhindura Itegeko rigenga kohereza imanza mu Rwanda nyuma y’ifatwa ry’icyemezo cyohereza urubanza, u Rwanda, mu buryo bufatika rwishe ibyashingiweho mu kohereza urubanza.

c. Imibereho muri gereza

25. Uwinkindi n’abunganizi we batsindagiye ko nta hantu hiherereye muri gereza bashobora kuganirira. Uwinkindi yavuze ko agomba kubonanira n’abunganizi be ahantu hari urusaku, habonwa na bose hari kandi hanyura abandi bafungwa, abandi bantu basura gereza n’abacungagereza kandi bumva ibyo aganira n’abunganizi. Uwinkindi n’abunganizi be bavuga ko icyumba cy’abarinzi babonaniragamo mbere batakikibona.

⁶ Urugereko rwa TPIR rwohereje urubanza, rwafashe icyemezo cyo kurwohereza ku itariki ya 28 Kamena 2011. Urugereko rw’Ubujurire rwemeje icyo cyemezo ku itariki ya 16 Ukuboza 2011.

26. Uwinkindi n'abunganizi bavuze ko rimwe na rimwe ariko gake cyane bashobora kubonanira mu cyumba abantu bategererezamo gifatanye n'ibiro by'umuyobozi wa gereza. icyakora, bavuga ko kenshi iki cyumba kiba kibaramo amanama y'akazi ko hari n'igihe abunganizi babaga baje kureba Uwinkindi batahaga batavuganye n'Uwinkindi ibintu bifite akamaro by'ibanga.
27. Ku birebana n'imibereho muri gereza, Uwinkini avuga ko we na bagenzi be boherejwe mu Rwanda babaho mu buzima bugoranye kurusha abafungwa bo muri gereza y'Umuryango w'Abibumye iri Arusha, n'abantu bakatiwe n'Urukiko rwashyiriweho Sierra Leone baba muri Gereza ya Mpanga mu Rwanda. By'umwihariko, Uwinkindi avuga ko akumba afungiyemo nta etajeri yo gushyiraho ibitabo n'amadosiye bye gafite, nta mashuka, uburingiti n'imisego, kandi ko hari ibintu bikenerwa buri munsu adafite. Ikindi kandi, yavuze ko adashobora gukora siporo cyangwa ibindi bikorwa byo mu rwego rw'ingororamubiri.
28. Ku birebana n'amafunguro, Uwinkindi avuga ko we n'abafungwa bagenzi be boherejwe mu Rwanda, badafite uburenganzira bwo guhitamo amafunguro kandi ko bagomba gusinyira buri funguro bahawe n'iyi ryaba riri mu rwego rwo hasi. Uwinkindi yavuze ko hari uwagatandatu umwe amafunguro atamirikaga, ariko n'ubwo yari mabi, yasinyishijwe ku ngufu inyandiko ivuga ko yayakiriye, ngo baramubwira bati « Ubirye cyagwa ubyihorere ».
29. Uwinkindi avuga ko nta mpuguke mu mirire ihari yo gusuzuma ibiri mu mafunguro ahabwa, kandi ko atari byiza ku buzima bwe. By'umwihariko, Uwinkindi avuga ko amafunguro ahabwa aba arimo amavuta menshi, ko adahabwa imbuto cyangwa amafi, ko ndetse rimwe na rimwe atabona inyama z'inkoko.

30. Kubera guhabwa amafunguro adakwiye, Uwinkindi yavuze ko yataye ibiro 15 kuva aho agereye mu Rwanda muri Mata 2012, ko yavuye ku biro 88 yari afite Arusha akaba asigaranye 73 i Kigali. Uwinkindi yanzuye avuga ko, we nk'umuntu w'umunyedini, « byaba ari icyaha, aramutse avuze ko afite ubuzima buzira umuze ».
31. Ku birebana n'imihango y'idini, Uwinkindi avuga ko adashobora gusengera muri shapeli ya gereza buri gihe, kubera iko iherereye mu gice cya « rusange » cya gereza gitandukanye n'igice cyihariye cya gereza gifungiyemo abafungwa boherejwe mu Rwanda, bityo akaba adashobora kuyigeraho uretse ku cyumweru.
32. Uwinkindi avuga kandi ko atabona amazi ashyushye yo gukaraba. Yavuze ko yatse urwembe, hakaba hashize amezi atararubwaho.
33. Ku byerekeye kuvugana n'abantu bo hanze, Uwinkindi yavuze ko ahabwa igihe kidahagije kuri telefone cyo kuvugana n'abantu bo mu muryango we badashobora kuza kumusura.
34. Uwinkindi yavuze ko yandikiye abayobozi ba gereza amabaruwa atandatu akurikirana ku matariki ya 8 Gicurasi 2012, 29 Ukwakira 2012, 27 Gashyantare 2013, 24 Gicurasi 2013, 17 Kamena 2013 na 4 Nyakanga 2013 yaka ibyo yavuze haruguru n'utundi tuntu tw'ibanze dukenerwa ariko ko nta gisubizo yahawe.
35. Ku itariki ya 7 Kanama 2013, nabonanye n'umuyobozi wa gereza Rusa Gahima. Gahima yavuze ko gereza yahaye abikorera ku giti cyabo isoko ryo kugaburira abafungwa boherejwe mu Rwanda bari mu gice cya gereza cyiswe « icy'abantu bakomeye ». Gahima avuga ko gereza iha uwo wafashe isoko ryo kugabura, urutonde rw'ibiryo babivuganyeho n'abafungwa. Yavuze kandi ko abafungwa bavugaga icyo bifuzaga kurya; nk'urugero, bamwe mu bafungwa bahitamo kurya boroshete, ibirayi cyangwa ubugari, abandi bagahitamo ibindi biryo.

36. Gahima yavuze ko azasuzuma ingano n'imiterere y'amafunguro, maze akurikije uko abisanze, agaha amabwiriza abafashe isoko ryo kugaburira abafungwa. Gahima yavuze ko azakora ibya ngombwa kugira ngo ibyifuzo bishyize mu gaciro by'Uwinkindi biri mu mabaruruwa yandikiye ubuyobozi bwa gereza n'ikibazo cy'ahantu ho kubonanira n'abunganizi be bibonerwe ibisubizo.
37. Gahima yatsindagiye ko abafungwa bose boherejwe mu Rwanda n'Uwinkindi arimo, basuzumwa buri gihe n'umuganga, kandi bakajyanwa ku bitaro iyo bibaye ngombwa.

d. Kurinda umutekano w'abatangabuhamya

38. Ku itariki ya 31 Nyakanga 2013, nabonanye na Janvier Bayingana, impuguke mu byo kurinda umutekano w'abatangabuhamya wahawe akazi n'Urukiko rw'Ikirenga rw'u Rwanda kugira ngo ayobore ishami ryarwo rishinzwe kwita ku batangabuhamya (WPU mu magambo ahinnye y'icyongereza). Bayingana yakorerega Ishami rishinzwe kwita ku batangabuhamya no ku bakorewe ibyaha rya TPIR. Yahakoze imyaka igera ku icumi, i Kigali na Arusha.
39. Bayingana yanyeretse uko inzego z'ubuyobozi zikurikirana muri WPU anantambagiza mu gice cyatunganyijwe mu Rukiko rw'Ikirenga cyagenewe abatangabuhamya barindiwe umutekano ighe bitabye Urukiko rw'Ikirenga. Bayingana yavuze ko mu rwego rw'ubuyobozi no mu kazi, akuriwe na Gerefiye Mukuru w'Urukiko rw'Ikirenga n'Umunyamabanga Mukuru w'Urukiko rw'Ikirenga, ku rwego rwo hejuru akaba akuriwe na Perezida w'Urukiko rw'Ikirenga rw'u Rwanda.
40. Bayingana avuga ko ingengo y'imari ya WPU ihagije mu rwego rwo gukomeza guhindura no kuvugurura igice cyagenewe kwakira abatangabuhamya barindiwe

- umutekano mu nyubako y'Urukiko rw'Ikirenga. Yambwiye ko gahunda yo kugura ibikenewe mu rwego rwo gutunganya kurushaho aho hantu, yatangiye.
41. Bayingana avuga ko WPU izita ku bibazo byo mu rwego rwa rusange n'ibijyanye no kurengera umutekano w'abatangabuhamya mu rwego rw'ubutabera, kubitaho, kumenya umutekano wabo, ubuzima no kwita ku ngendo zabo. Yavuze ko hari gahunda yumvikanyweho n'ibitaro bimwe bya Leta biri muri Kigali yerekeranye no kuvura mu ibanga rikomeye no gufasha abatangabuhamya barindiwe umutekano, uko bikenewe, bagize ibibazo by'indwara zisanzwe n'iby'imitekerere ze.
 42. Bayingana yakomeje avuga ko WPU ifite ibikoresho n'ibindi bya ngombwa biyifasha kugera ku batangabuhamya barindiwe umutekano no kubafasha ahantu hose mu Rwanda, kandi ko mu ngengo y'imari ya WPU hateganijwe amafaranga y'inzu irindiwe umutekano ishobora gucumbikira abatangabuhamya barindiwe umutekano. Bayingana yavuze kandi ko WPU iteganya kugira ububikoshingiro bw'imyirondoro y'abatangabuhamya kugira ngo izabashyirireho ingamba zo kubarindira umutekano na nyuma y'iburanisha, Urukiko ruramutse rubitegetse.
 43. Bayingana yavuze ko WPU izi ibikenewe byihariye ku manza zoherejwe mu Rwanda na TPIR n'inkiko z'ibindi bihugu bigengwa n'Itegeko rigenga imanza zoherejwe mu Rwanda. Yavuze ko WPU izakomeza imyiteguro mu rwego rwo kubahiriza ibya ngombwa bisabwa ku batangabuhamya bazatanga ubuhamya bari hanze y'u Rwanda hakoreshejwe ubuhanga bw'itumanaho bwa *video-link*. Bayingana yavuze ko hazafatwa ingamba zijyanye n'ibiteganywa mu ngingo ya 15 y'Itegeko rirebana n'imanza zoherezwa mu Rwanda kugira ngo abatangabuhamya bazava hanze baje gutanga ubuhamya mu manza zoherejwe mu Rwanda badasakwa, badafatirirwa ibintu cyangwa badafungwa.

44. Bayingana yambwiye ko ingengo y'imari ya WPU igizwe n'ibice bibiri. Igice cya mbere kigizwe n'amafaranga avanwa ku ngengo y'imari isanzwe y'Urukiko rw'Ikirenga, naho igice cya kabiri kikaba kigizwe n'amafaranga atangwa n'abaterankunga bo hanze.
45. Bayingana yemeje ko yamaze gushyikirizwa urutonde rw'abatangabuhamya mu rubanza rwa Uwinkindi aruhawe na gerefiye w'Urukiko Rukuru. WPU itegereje kumenyeshwa na buri muburanyi amatariki abo batangabuhamya bazahamagarizwaho. Ubu, Bayingana avuga ko abo batangabuhamya bose bafatwa nk'aho barindiwe umutekano, kereka igihe inkiko zizafata icyemezo kibivuga ukundi.
46. Mu kurangiza, Bayingana yavuze ko kugeza ubu WPU yafashije mu rwego rwo kurinda umutekano w'abatangabuhamya mu rubanza rumwe rwa jenocide mu Rukiko Rukuru na/cyangwa mu Rukiko rw'Ikirenga.

e. Kubonana no kuganira n'abayobozi bo mu Bushinjacyaha

47. Ku itariki ya 28 Kanama 2013, natumiwe mu nama yahuje Bongani Majola Gerefiye wa TPIR na Alphonse Hitiyaremye, Porokireri Mukuru Wungirije w'u Rwanda. Muri iyo nama, abayobozi bo mu Bushinjacyaha Bukuru (« NPPA » mu magambo ahinnye y'icyongereza), bamenyesheje Majola aho imanza za Uwinkindi na Bernard Munyagishari zoherejwe mu Rwanda zigeze.⁷ Abayobozi ba NPPA bavuze ko batishimiye kuba Ubwunganizi bwa Uwinkindi bwarakerewe mu gutegura urubanza. Mu iburanisha ryabaye mu Rukiko Rukuru ku itariki 5 Nzeri 2013, Ubushinjacyaha bwongeye kuvuga uko bubona iki kibazo. Amakuru arambuye arebana n'iki kibazo yavuzwe haruguru.

⁷ Ibiganiro byabaye birebana n'urubanza rwa Munyagishari bizavugwa ukwabyo muri raporo y'ubugenzuzi yerekeye uwo mufungwa woherejwe mu Rwanda.

48. Mu byo Hitiyareme yabwiye Majola harimo ko Ubushinjacyaha bukuru bwahaye akazi abakozi babiri bahoze bakorera Ibiro bya Porokireri wa TPIR, ari bo Florida Kabasinga na Aisha Kagabo kugira ngo babufashe kandi babugire inama ku bibazo bijyanye n’imanza zimuriwe mu Rwanda zivuye muri TPIR.

f. Izindi nama, ibyakozwe, n’ibitekerezo

49. Mu gihe bari mu Rwanda, abagenzuzi babonana n’abantu batandukanye bafite uruhare ku manza zimuriwe mu Rwanda. Muri abo bantu harimo abakozi bo mu nzego z’butabera, abashinjacyaha n’abunganira abaregwa, abakozi bakuru b’inkiko, abakozi ba gereza, abadipolomate n’abantu bo mu miryango ya gisiviri (*civil society*).

50. Abagenzuzi kandi basabye kandi bemererwa kubona dosiye y’urubanza rwa Uwinkindi iri mu Rukiko Rukuru rw’u Rwanda.

51. Muri raporo bakoze, abagenzuzi bagiye bagendera ku mabwiriza yatanzwe na TPIR na MICT ku birebana na gahunda y’ubugenzuzi. By’umwihariko, abagenzuzi bazirikanye ibiteganywa mu ngingo ya 3.3 y’Amabwiriza arebana no kugenzura imanza zoherejwe imbere y’inkiko zo mu bihugu hashingiwe ku Ngingo ya 11 *bis*, bikorwa n’abagenzuzi bakorera TPIR ivuga ibikurikira : « Abakozi ba TPIR ntibashobora kuvuga igitekerezo cyabo bwite ku birebana n’ibyashingiweho mu manza zoherejwe, izindi manza ziburanihwa mu nkiko z’ibihugu, cyangwa ku mikorere y’inzeho z’ubutabera muri rusange »⁸

52. Abakozi ba TPIR n’aba MICT bafasha mu rwego rw’ibikoresho abagenzuzi bari mu butumwa mu Rwanda.

⁸ *Urubanza Jean Uwinkindi aburana na Porokireri*, N° ICTR-2001-75-AR 11 *bis*, Itegeko rigenga igamba z’ubugenzuzi zafashwe na TPIR, 29 Kamena 2012, Umugereka A, Ingingo ya 3.3.

12 Nzeri 2013

III. UMWANZURO N'IBYIFUZO

53. Urubanza rwa Uwinkindi nk'uko biteganywa n'Urukiko Rukuru ruzatangira kuburanishwa ku itariki ya 11 Ukwakira 2013. Nirutangira, urubanza rushobora kuzajya ruburanishwa buri munsu.
54. Byaba byiza umugenzuzi wa TPIR cyangwa uwa MICT abaye akorerera mu Rwanda guhera mu ntangiriro z'Ukwakira 2013 kugira ngo akurikirane urubanza.

Murakoze

Anees Ahmed

Umugenzuzi wa TPIR mu rubanza rwa Uwinkindi

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