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Urwego rushinzwe kurangiza imirimo y'Inkiko Mpanabyaha Mpuzamahanga

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Tariki ya 7 Werurwe 2014
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Kuri : Perezida, Urwego rwashinzwe kurangiza imirimo y'Inkiko Mpanabyaha Mpuzamahanga (MICT)

Binyujijwe kuri : Gerefiye wa MICT

Byanditswe na : Samuel Algonzin
Umugenzuzi mu rubanza rwa Uwinkindi

RAPORO Y'UBUGENZUZI MU RUBANZA RWA UWINKINDI (MUTARAMA NA GASHYANTARE 2014)

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II. UMWANZURO 24

I. INTANGIRIRO

1. Iyi raporo y'ubugenzuzi irebana n'ibyakozwe mu rubanza rwa Uwinkindi mu nkiko z'u Rwanda n'imibonano abagenzuzi bashyizweho na MICT bagiranye n'abantu batandukanye muri Mutarama na Gashyantare 2014 (« igihe cyakozweho raporo »)[1]. Muri iki gihe cyakozweho raporo, umugenzuzi Samuel Algozin, yagiye mu Rwanda inshuro eshatu.[2]

II. RAPORO MU MAGAMBO ARAMBUYE

A. Tariki ya 17 Mutarama 2014 : Kubonana na Uwinkindi

2. Ku itariki ya 17 Mutarama 2014, nabonanye na Uwinkindi kuri gereza nkuru ya Kigali (Gereza) aho we na Bernard Munyagishari, indi mfungwa yoherejwe mu Rwanda n'Urukiko Mpanabyaha Mpuzamahanga rwashyiriweho u Rwanda (TPIR) hashingiwe ku Ngingo ya 11 *bis*, bafungiye. Uwinkindi na Munyagishari baba mu gice cyihariye cya gereza hamwe n'abandi bafungwa babiri. Amadosiye y'aba bafungwa bandi yoherejwe mu Rwanda n'inkinko z'ibindi bihugu.[3]

3. Uwinkindi yavuze ko yafashwe kandi agakurikiranwa yitwa « Jean Bosco Uwinkindi ». Yatsindagiye ko amazina ye nyayo ari « Jean Uwinkindi », atanga amazina y'abantu bashobora kwemeza ko atigeze yitwa « Bosco ». Uwinkindi avuga ko yarenganyijwe afatwa akanakurikiranwa ku mazina atandukanye n'aye nyakuri.

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[1] Ku itariki ya 17 Gashyantare 2014, Perezida wa MICT yemeye ko hatangwa raporo ikomatanya ukwezi kwa Mutarama n'ukwa Gashyantare 2014.

[2] Uru rugendo kandi rurimo n'ibyakozwe mu rwego rw'igenzura mu rubanza rwa Bernard Munyagishari.

[3] Igice cyihariye cya gereza gicumbikiye abafungwa b'igitsinagabo. Amadosiye y'aba bafungwa yoherejwe mu Rwanda na TPIR, MICT cyangwa inkiko z'ibindi bihugu. Igice cyihariye cya gereza gitandukanye n'igice cya rusange cya gereza.

4. Uwinkindi yavuze ko atishimiye ko nta byumba bishya byubatswe kuri gereza, aho abafungwa[4] bajya babonanira n'abavoka babo.

5. Uwinkindi yemeje ko umwe muri « ba maneko » yamubujije gusenga kuri Noheri kandi ko abayobozi ba gereza batamwemereye kuvugana kuri telefoni n'abantu bo mu muryango we kuri Noheri. Yavuze ko mu ntangiriro za Mutarama, umwe mu bana be yaje kumusura kuri gereza. Yavuze ko yabujijwe gusohoka mu gice cyihariye cya gereza ngo ajye kureba umwana we, nyuma aza kwemererwa kumubona ariko bamarana gusa iminota itanu.

6. Uwinkindi yavuze ko agifungiye muri gereza y'Umuryango w'Abibumye Arusha, abayobozi ba gereza bamuhaga ibintu bikenerwa buri munsi, atiriwe abisaba. Ariko muri gereza y'u Rwanda, biratandukanye kuko abafungwa bagomba kwandikira kenshi ubuyobozi bwa gereza kugira ngo babone ibyo bintu. Yahawe urwembe rumwe gusa rwo kogosha ubwanwa kuva mu Ugushyingo 2013. Yavuze ko atahawe amazi yo kunywa ahagije kuko yahawe litiro esheshatu yagombaga kumara ibyumweru bitatu. Uwinkindi yavuze ko abafungwa batahawe impapuro zo kwisukura zihagije. Yavuze ko nta cyahindutse ku mafunguro bahabwa muri gereza anavuga ko ibyumba bikeneye inzitiramibu kugira ngo zibarinde imibu na marariya.

7. Uwinkindi yavuze kandi ko ubuvuzi bahabwa muri gereza budahagije kugeza n'ubu. Iyo abaforomokazi batanga imiti ntabwo baha abarwayi ibisobanuro bihagije by'uburyo iyo miti bandikiwe igomba gufatwa. Yavuze ko uruhu rwe rwafuruse amaze kunywa ibinini yari yahawe n'umuforomokazi wa gereza. Kubera uko gufuruta, undi muforomokazi yamubwiye ko atagomba kuzongera na rimwe gufata ibyo binini. Uwinkindi yavuze ko adasanga bikwiye ko umuyobozi wa gereza agomba gutanga uburenganzira kugira ngo abafungwa bahabwe umuti uwo ari wo wose. Yavuze ko yabwiye umuyobozi wa gereza wahahoze mbere ko batavurwa bihagije, ko ariko nta cyahindutse. Yavuze ko uburyo afunzemo bwagize ingaruka ku rubanza rwe. Yavuze ko ari ngombwa cyane ko umuntu aba afite ubuzima bumeze neza igihe yitabye urukiko.

[4] Muri iyi raporo yose, ijambo « abafungwa » rivuga abafungwa bafungiye mu gice cyihariye cya gereza.

8. Uwinkindi avuga ko imibereho yo muri gereza itubahirije ibisabwa mu rwego mpuzamahanga kandi ko idahuye n'ibyo umuyobozi mukuru w'amagereza mu Rwanda yavugiye muri TPIR.[5] Uwinkindi atsindagira ko abayobozi b'u Rwanda bagomba kubahiriza ibyo basezeranije TPIR igihe basabaga ko urubanza rwe rwoherezwa mu Rwanda.

B. Tariki ya 20 Mutarama 2014: Kubonana n'impuguke mu byo kwita ku batangabuhamya

9. Ku itariki ya 22 Mutarama 2014, nabonanye na Janvier Bayingana, impuguke mu byo kwita ku batangabuhamya mu ishami rishinzwe kwita ku batangabuhamya (« WPU » mu magambo ahinnye y'icyongereza)[6] ry'Urukiko rw'Ikirenga rw'u Rwanda. Bayingana yavuze ko nta mutangabuhamya urindiwe umutekano mu rubanza rwa Uwinkindi Urukiko Rukuru (Urukiko) rwari rwamusaba gushyikirana na we. Yavuze ko urubanza nirutangira, Urukiko ruzaha WPU gahunda y'uko abatangabuhamya bateganywa kuzakurikirana. Icyo gihe ni ho azabwira Urukiko niba iyo gahunda ishoboka, azirikanye ibikenewe kuri buri wese mu batangabuhamya.

10. Bayingana yavuze ko mu gihe cy'iburanisha ry'imanza zoherejwe mu Rwanda nk'urwa Uwinkindi, urukiko ruzakoresha mikoro n'indangururuamajwi zihindura ijwi, kugira ngo umwirondoro w'umutangabuhamya utamenyekana. Ubu buhanga ubu burakoreshwa mu buryo buboneye mu manza ziburanishirizwa mu Rwanda.

11. Bayingana yavuze ko muri rusange, ababuranyi mu manza z'ibyaha byo mu rwego mpuzamahanga mu Rukiko Rukuru bataramenyera ko abatangabuhamya bitabwaho

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[5] Reba *Urubanza Porokireri aburana na Uwinkindi* N° ICTR-2001-75-,1 Ibyavuzwe n'Inshuti y'Urukiko ku ruhande rwa Repubulika y'u Rwanda ishyigikira icyifuzo cya Porokireri gisaba kwimura urubanza hakurikijwe Ingingo ya 11 *bis*, 18 Gashyantare 2011, Ikimenyetso gihamya cyahwa nomero H (Inyandiko ikozwe hejuru y'indahiro y'umuyobozi mukuru w'amagereza mu Rwanda).

[6] Nk'uko byavuzwe muri raporo za mbere y'iyi, WPU ifite inshingano zo kwita ku batangabuhamya mu manza zoherejwe mu Rwanda. Reba raporo y'igenzura mu rubanza rwa Uwinkindi (Nyakanga na Kanama 2013), 12 Nzeri 2013, ibika 38-46.

n'Urukiko bakanarindirwa umutekano n'Urukiko. Bayingana yavuze ko ibi ari ngombwa kugira ngo hatabaho ukubogama no kubera mu rwego rwo kurinda umutekano w'abatangabuhamya. Ikindi kandi, iyi mikorere ituma abatangabuhamya barushaho kugirirwa icyizere.

12. Bayingana yavuze ko mbere y'uko umutangabuhamya urindiwe umutekano atanga ubuhamya, WPU ibanza kumubwira uburenganzira bwe. Babwira abatangabuhamya uko Urukiko ruburanisha n'uko imiburanishirize igenda, bagasaba abatangabuhamya kubaha Urukiko n'ababuranyi, cyane cyane iyo babazwa ibibazo binyomoza bishobora kuba bibabangamiye. Igihe ubuhamya bw'umutangabuhamya runaka bumara iminsi myinshi, WPU ikora ibya ngombwa kugira ngo acumbikirwe ahantu harindiwe umutekano. WPU yishingira gutwara abatangabuhamya baza i Kigali, no kubaha amafunguro.

13. Nyuma yo gutanga ubuhamya, WPU ibwira umutangabuhamya ko igihe agize ikibazo cy'umutekano agomba kubiyimenyesha. Iyo yakiriye ikibazo cyagizwe n'umutangabuhamya mu rwego rw'umutekano, WPU ibonana na we kugira ngo yumve ikibazo afite maze igakora raporo yanditse. WPU irakurikirana kugira ngo irebe niba icyo kibazo gifitanye isano n'ubuhamya bw'uwo mutangabuhamya. Bayingana ubwe ni we abatangabuhamya bose bashobora guhamagara. WPU ifite kandi abakozi batatu bashinzwe umutekano w'abatangabuhamya bafasha abatangabuhamya barindiwe umutekano ku rwego rw'Urukiko Rukuru.

C. Tariki ya 22 Mutarama 2014 : Iburanisha mu Rukiko Rukuru rw'u Rwanda

14. Ku itariki ya 22 Mutarama 2014, Urukiko Rukuru rw'u Rwanda (Urukiko) rwaraburanishije mu urubanza rwa Uwinkindi. Ubushinjacyaha bwari buhagarariwe na Jean Bosco Mutangana na Bonaventure Ruberwa. Jean Uwinkindi yari mu rukiko kandi yunganiwe n'umwunganizi we mukuru Gatera Gashabana n'umwungirije Jean Baptiste Niyibizi.

15. Mbere y'iri buranisha, ku itariki ya 13 Mutarama 2014, Gashabana yatanze imyanzuro ye irebana n'iperereza yakoze ku batangabuhamya bari mu Rwanda.[7] Muri iyo myanzuro harimo kandi, ibivugwa n'Ubwunganizi ko Urukiko rudafite ububasha bushingiye ku gihe n'ibyo Ubwunganizi bunenga ku byo Ubushinjacyaha burega Uwinkindi. Ku itariki ya 22 Mutarama 2014, Ubushinjacyaha bwatanze igisubizo cyabwo ku ngoboka mbanzirizarubanza zatanzwe n'Ubwunganizi.

16. Urubanza rugitangira, Urukiko rwasabye Uwinkindi kurwibwira. Uwinkindi yavuze aho yavukiye n'itariki yavutseho, noneho abwira Urukiko ko n'ubwo zimwe mu nyandiko ziri mu Nyandiko y'ibirego no mu migereka zivuga ibintu byakozwe n'uwitwa « Jean Bosco Uwinkindi », izina rye ari « Jean Uwinkindi ». Porokireri yabwiye Urukiko ko Uwinkindi akurikiranwa ku izina rya « Jean Uwinkindi », ko atari « Jean Bosco Uwinkindi ». Ubwunganizi bwavuze ko amazina ari mu Nyandiko y'ibirego ari « Jean Uwinkindi » ariko ko mu idosiye hose, abatangabuhamya bavuze ibyakozwe na « Jean Bosco Uwinkindi ». Ubwunganizi bwasabye Urukiko kutita kuri izo nyandiko z'ubuhamya. Ubushinjacyaha bwasabye ko iki kibazo Urukiko rwazagisuzuma igihe abatangabuhamya bazaba batanga ubuhamya. Urukiko rwamenyesheje ababuranyi ko ruzasuzuma ikibazo cy'izina « Jean Boasco Uwinkindi » aho rizaba rivuzwe mu gihe cy'iburanisha.

17. Urukiko rwakomeje rwumva ingingo z'ababuranyi ku ngoboka mbanzirizarubanza zatanzwe n'Ubwunganizi.

18. Ubwunganizi bwatangiye buvuga ko Urukiko rudafite ububasha bushingiye ku gihe. Bwavuze ko Inyandiko y'ibirego itavuga amatariki nyayo ibyaha bivugwa byaba byarakoreweho kandi ko irimo ukwivuguruza ku bijyanye n'amatariki ibyo byaha byaba byarakoreweho. Bwavuze ko Inyandiko y'ibirego ivuga ko ibyo byaha byakozwe hagati y'itariki ya 1 Mutarama 1994 n'iya 31 Ukuboza 1994, kandi ikongera ikavuga ko ibyo byaha byakozwe hagati y'itariki ya 6 Mata 1994 n'igice cya kabiri cya Gicurasi 1994.

[7] Urukiko Rukuru rwari rwategetse Ubwunganizi gutanga imyanzuro ya bwo bitarenze itariki ya 13 Mutarama 2014. Reba raporo y'ubugenzuzi mu rubanza rwa Uwinkindi (Ukwakira n'Ugushyingo 2013), 20 Ukuboza 2013, igika cya 41.

Ubwunganizi bwemeza kandi ko Uwinkindi adashobora kwiregura mu buryo buboneye aho Inyandiko y'ibirego ivuga ko ibyaha byakozwe « ku itariki izi n'izi, cyangwa hafi yazo ».

19. Ubushinjacyaha bwashubije ko Inyandiko y'ibirego isobanutse bihagije. Bwavuze ko Inyandiko y'ibirego itarimo ukwivuguruza gushingiye ku birebana n'amatariki ibyaha bivugwa byakoreweho. Mu buryo bwihariye, Ubushinjacyaha bwavuze ko ibyaha bivugwa byakozwe mu ntera y'igihe Urukiko rwa TPIR rufitiye ububasha ari cyo hagati y'itariki ya 1 Mutarama 1994 na 31 Ukuboza 1994 kandi ko ibyo Uwinkindi aregwa byakozwe muri iki gihe.

20. Ubwunganizi buvuga kandi ko Ubushinjacyaha bwareze Uwinkindi jenoside n'ibyaha byibasiye inyokomuntu mu buryo butari bwo, hashingiwe ku bikorwa bimwe. Ubwunganizi bwavuze ko kubera ibyo, ibi birego binyuranyije n'ihame rya *non bis in dem* (rivuga ko ntawe ukurikiranwa kabiri ku cyaha kimwe).

21. Ubushinjacyaha bwashubije ko bwareze Uwinkindi jenoside n'ibyaha byibasiye inyokomuntu mu buryo buboneye kandi buvuga ko ibyo byaha bigizwe n'ibibiranga bitandukanye. Ubushinjacyaha bwavuzeko ihame rya *non bis in dem* ritakoreshwa ahangaha kubera ko Uwinkindi atigeze aburanishwa ku cyaha icyo ari cyo cyose muri ibi byombi aregwa. Bwibukije ko Sitati ya TPIR itandukanye icyaha cya jenoside n'ibyaha byibasiye inyokomuntu, kandi ko umuntu ashobora guhamywa ibyo byaha byombi hashingiwe ku bikorwa bimwe. Ubushinjacyaha bwakomeje buvuga ko n'Igitabo cy'Amategeko ahana mu Rwanda giteganya ko igikorwa cy'ubugome kimwe gishobora kuvamo ibyaha bitandukanye byinshi.[8]

22. Ubwunganizi bwavuze na none ko Ubushinjacyaha bwareze Uwinkindi mu buryo butari bwo, icyaha cyo kuba icyitso cy'abakoze jenoside kandi iki cyaha cyari cyarakuwe mu byo akurikiranyweho muri TPIR mu mwaka wa 2001. Bumaze kuvuga ibiteganywa mu

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[8] Ingingo ya 83 (2) y'Itegeko Ngenga n°01/20/12/OL ryo ku itariki ya 2 Gicurasi 2012 rishyiraho Igitabo cy'amategeko ahana mu Rwanda ivuga ko : « Igikorwa kimwe, gishobora kuvamo ibyaha bitandukanye ».

ngingo ya 8 ya Sitati ya TPIR, Ubwunganizi bwakomeje kwemeza ko Porokireri adashobora kugarura mu birego ikirego cyari cyashyizwe ku ruhande muri TPIR.[9] Ubwunganizi bwavuze kandi ko mu buryo butari bwo, Ubushinjacyaha bwongereye ikindi kirego mu Nyandiko y'ibirego, kivuga ko Uwinkindi atahagaritse ubwicanyi.

23. Ubushinjacyaha bwahakanye ko bwagaruye mu Nyandiko y'ibirego ikirego cyo kuba icyitso cy'abakoze jenoside. Bwemeje ko mu Nyandiko y'ibirego bwavuze gusa ko Uwinkindi yafatanije n'abandi kujya mu mugambi mubisha uhuriweho ugamije gukora ibyaha byavuzwe.

24. Nyuma yo kumva ingingo zatanzwe n'Ubushinjacyaha n'Ubwunganizi, Urukiko rwabajije Uwinkindi icyo abitekerezaho. Uwinkindi yafashe ijambo abwira Urukiko ko adakwiye kuregwa icya rimwe jenoside n'ibyaha byibasiye inyokomuntu, anasaba Urukiko kuvuga ko ikirego cyo kuba icyitso cy'abakoze jenoside nta shingiro gifite.

25. Urukiko rwasubitse iburanisha, rumenyesha ababuranyi ko ruzasoma icyemezo cya rwo ku ngoboka mbanzirizarubanza z'Ubwunganizi ku itariki ya 12 Gashyantare 2014.

D. Tariki ya 22 Mutarama : Kubonana n'Umunyamabanga Uhoraho wa Minisiteri y'Ubutabera

26. Ku itariki ya 22 Mutarama 2014, nabonanye na Pascal Bizimana, Umunyamabanga Uhoraho muri Minisiteri y'Ubutabera akaba n'Intumwa Nkuru ya Leta yungirije.

27. Bizimana yavuze ko Minisiteri y'Ubutabera yumvikanye n'abunganizi ba Uwunkindi ku birebana n'umushahara wabo mu rwego rwo kunganira Uwinkindi. Amasezerano yasinywe na Bizimana ku ruhande rwa Minisiteri y'Ubutabera, umwunganizi mukuru n'umwunganizi wungirije ba Uwinkindi, na Athanase Rutabingwa, Perezida w'Urugaga rw'Abavoka mu Rwanda (RBA). Ayo masezerano ateganya ko buri mwunganizi azajya ahembwa 1.000.000 FR buri kwezi, mu gihe cyose urubanza rwa Uwinkindi ruzamara,

[9] Ingingo ya 8 (2) ya Sitati ya TPIR ivuga ibikurikira : « Urukiko Mpuzamahanga Rwashyiriweho u Rwanda, rufite ububasha busumbye ubw'inkiko z'ibihugu byose ».

harimo n'ubujurire. Ingendo zikorwa mu rwego rw'iperereza, zizaganirwaho mu kindi cyiciro, zikaba zitari mu mushahara w'ukwezi. Ayo masezerano azubahirizwa no ku bihe byayabanjirije, kuva ku itariki ya 1 Ugushyingo 2013.[10]

28. Muri ayo masezerano hateganywa ko Minisiteri y'Ubutabera itanga amafaranga yo guhemba abunganizi, RBA ika ari yo ivugana n'abunganizi bahawe Uwinkindi kandi igakurikirana imirimo yabo, kugira ngo imenye neza ko bakora akazi kaboneye. Bizimana yavuze ko Gashabana yatsindagiye ko ari ngombwa ko amasezerano ashyirwamo uru ruhare rwa RBA.

29. Bizimana yavuze ko igice cy'ingengo y'imari kigenerwa guhemba abunganizi baburanira abantu bose badafite ubushobozi bwo kubiyishyurira, mu Rwanda, buri mwaka ari miliyoni 190 z'amafaranga y'amanyarwanda. Mu rwego rw'iyi gahunda yo mu Rwanda yo guhemba abunganizi baburanira abantu badafite ubushobozi bwo kubiyishyurira, Minisiteri y'ubutabera ishakira abunganizi abantu bakurikiranyweho ibyaha bataragera ku myaka y'ubukure n'abantu bakekwaho gukora jenoside badafite ubushobozi bwo kwiyishyurira abunganizi. Bizimana yavuze ko Ministeri y'Ubutabera yifuza ko urubanza rwa Uwinkindi rwakwihuta rukarangira, kuko amafaranga yahawe abunganizi ba Uwinkindi ashobora kuzagira ingaruka mbi ku mafaranga yo kwishyura abunganizi mu zindi manza zirebwa n'iyo gahunda. Yavuze ko amasezerano yavuzwe bizaba ngombwa ko asubirwamo niharamuka habaye ubukererwe bukabije mu rubanza rwa Uwinkindi.

30. Bizimana yavuze ko fagitiri zose bashyikirijwe n'Ubwunganizi bwa Uwinkindi zishyuwe. Umwunganizi wa Uwinkindi yabwiye Bizimana ko bafite izindi fagitiri bazohereza, icyakora, ubwo twabonanaga, Bizimana yavuze ko yari atarabona izo fagitiri z'nyongera.

E. Tariki za 21 na 24 Mutarama 2014: Kubonana na Avoka wunganira Uregwa

31. Ku itariki za 21 na 24 Mutarama 2014, nabonanye na Gatera Gashabana, umwunganizi mukuru wa Uwinkindi. Gashabana yansobanuriye ko yasinyanye amasezerano na

[10] Umunyamabanga Mukuru Uhoraho yaduhaye kopi y'ayo masezerano.

Minisiteri y'ubutabera mu rwego rwo kunganira Uwinkindi. Gashabana yavuze ko ayo masezerano atujuje ibisabwa mu rwego mpuzamahanga, kandi ko umushahara wa buri kwezi uteganywa muri ayo masezerano udakwiranye n'akazi kagomba gukorwa mu rubanza rukomeye kandi rwo mu kigero cy'urwa Uwinkindi. Gashabana yavuze ko dosiye y'uru rubanza irimo inyandiko hafi 5.000 zigomba gusesengurwa.

32. Gashabana yagaragaje ko yishyimiye kuba uruhare rwa RBA rugaragara muri ayo masezerano, anavuga ko urwo ruhare ari ngombwa kugira ngo abunganizi bizere ko bafite kirengera kandi bemererwe kurengera inyungu z'abo bunganira, mu bwigenge.

33. Gashabana yavuze ko igihe yagiranagaga imishyikirano na Minisiteri y'Ubutabera ku masezerano y'akazi, yari afite ingufu nkeya ugereranije n'iza Minisiteri y'Ubutabera. Yavuze ko ubwo yaganiraga na Minisiteri y'ubutabera ku mushahara wahembwa ku isaha imwe y'akazi mu Ukwakira 2013, umunyamabanga uhoraho wa Minisiteri y'Ubutabera yamubwiye ko bazamusimbuza undi naramuka atemeye ibiteganywa mu masezerano. Gashabana yavuze ko mu buryo nk'ubwo, nta ngufu yari afite mu rwego rwo kumvikana ku masezerano y'akazi meza kurushaho yari gutuma urubanza rwa Uwinkindi ruburanishwa mu buryo buboneye.

34. Gashabana yavuze kandi ko ahangayikishijwe no kuba mu rwego rw'ayo masezerano, bagomba kuzajya basuzuma umubare w'amafaranga akenewe yo gukora iperereza bakurikije uko ikibazo giteye, anavuga ko hakenewe gukora irindi perereza mu rubanza, haba mu Rwanda cyangwa hanze. Gashabana yavuze ko mu gihe cy'iburanisha muri TPIR Porokireri yasabagamo kohereza urubanza mu Rwanda, Leta y'u Rwanda yijeje ko izakora ibya ngombwa byose kugira ngo yorohereze Ubwunganizi mu rwego rwo gukora iperereza. Icyakora, urubanza rumaze koherezwa mu Rwanda, Leta y'u Rwanda yibagiwe ibyo yiyemeje ahubwo ikoresha iterabwoba igihe umwunganizi ayibukije ibyo yavugiye imbere ya TPIR.

F. Tariki ya 27 Mutarama 2014 : Kubonana n'Ubushinjacyaha

35. Ku itariki ya 27 Mutarama 2014, nabonanye na Florida Kabasinga, Umujyanama mu by'amategeko wa Porokireri Mukuru, na Jean Bosco Mutangana, Umushinjacyaha mukuru mu rubanza rwa Uwinkindi.

36. Mutangana yavuze ko Ubwunganizi bwatanze imyanzuro yabwo ku itariki ya 13 Mutarama 2014, kandi yavuze ko igisubizo cy'Ubwunganizi ku bivugwa mu Nyandiko y'ibirego ari « insobe ». Yavuze ko Ubushinjacyaha buzasubiza kuri iyo myanzuro y'Ubwunganizi mu nyandiko.

37. Ku byerekeye ibivugwa na Uwinkindi ko amazina ye nyayo ari « Jean Uwinkindi » aho kuba « Jean Bosco Uwinkindi », Mutangana yavuze ko Inyandiko y'ibirego ikoresha amazina « Jean Uwinkindi ».

G. Tariki ya 27 Mutarama 2014: Kubonana n'umukuru w'Ishami ryita ku batangabuhamya n'abakorewe ibyaha ryo mu Bushinjacyaha

38. Ku itariki ya 27 Mutarama 2014, nabonanye na Theoneste Karenzi, umukuru w'Ishami ryita ku batangabuhamya n'abakorewe ibyaha mu Bushinjacyaha (WVSU mu magambo ahinnye y'cyongereza).

39. Karenzi yavuze ko WVSU ifasha ikanakorana n'abatangabuhamya bashinja, mu rwego rwo kubafasha mu by'ubuvuzi no mu bibazo byo mu rwego rw'imitekerereze, kubaha amafaranga y'ingendo, kubarindira umutekano, kubashakira amazu arindiwe umutekano yo gucumbikamo no kubatuza ahatekanye. Karenzi yavuze ko ibiro bye birinda umutekano w'abatangabuhamya bashinja mu gihe cy'iperereza, no mu gihe cy'iburanisha ritegura urubanza. Mu gihe cy'iburanisha ry'urubanza, amadosiye y'abatangabuhamya ahabwa ishami rishinzwe abatangabuhamya ryo mu Rukiko rw'Ikirenga. Icyakora WVSU ikomeza kugira uruhare mu kurinda umutekano w'abatangabuhamya bashinja mu gihe cy'iburanisha baramutse bagize ibibazo by'umutekano. Nyuma y'urubanza, WPU na WVSU bikomeza kwita ku batangabuhamya. Karenzi yavuze ko ibiro bye bikoranira hafi

na WPU. Yavuze ko WVSU na WPU biri gutegura amasezerano yo guteza imbere kurushaho ubufatanye hagati y'izo nzego zombi.

H. Tariki ya 28 Mutarama 2014 : Kubonana n'umuyobozi wa Gereza

40. Ku itariki ya 28 Mutarama 2014, nabonanye na Alex Murenzi, Umuyobozi wa Gereza nkuru ya Kigali (Gereza).

41. Murenzi yavuze ko ashaka gusaba ibiro by'umuyobozi mukuru ushinzwe amagereza mu Rwanda kumuha umujyanama mu by'amategeko uzafasha mu gutegura inyandiko y'amabwiriza n'amategeko bizagenga abafungwa bafungiye mu gice cyihariye cya gereza, by'umwihariko ku birebana n'imyitwarire yabo. Murenzi yavuze ko ayo mabwiriza n'amategeko mashya bizaba byagiyeho mu gihe cya vuba. Yavuze ko yifuza ko ayo mabwiriza n'amategeko mashya bijyana n'ibiteganywa mu rwego mpuzamahanga. Ayo mabwiriza n'amategeko bizagenga uburyo abafungwa bakoramo imyitozo ngororamubiri, amafunguro bahabwa n'ibirebana no gusurwa kwabo. Azaba arimo kandi ibihano bihabwa abatubahirije amabwiriza ya disipuline, birimo nko guhindura gahunda y'isurwa ryabo cyangwa kubaha igihe gitoya kigenewe imyitozo. Ayo mabwiriza n'amategeko bizashyirwa mu nyandiko kandi bihabwe buri mufungwa. Abafungwa nta ruhare bazagira mu gutegura ayomabwiriza n'amategeko.

42. Murenzi yavuze ko bitewe n'uko imiryango yabo ituye kure, abafungwa bo mu gice cyihariye cya gereza bemerewe gusurwa buri gihe, kuva ku wa mbere kugeza ku wa gatanu. Abandi bafungwa basurwa ku wa gatanu gusa. Abafungwa baba bemerewe kumarana iminota 30 na buri muntu wabasuye. Abavoka basura abafungwa bunganira, bemerewe kumara umunsi wose kuri gereza.

43. Murenzi yavuze ko abafungwa bo mu gice cyihariye cya gereza binubiye amafunguro bahabwa kuri gereza. Yavuze ko ari guhindura ibintu abivuganyeho n'umuyobozi mukuru w'amagereza mu Rwanda. Urutonde rushya rw'amafunguro y'abafungwa ruzatangira gukurikizwa vuba. Ikindi kandi, Murenzi yavuze ko hari undi muntu wahawe isoko ryo kugaburira abafungwa kuva muri Gashyantare 2014. Urutonde rushya

rw'amafunguro ruzashyirwaho byumvikanyweho n'uwahawe isoko ryo kugaburira abafungwa, abafungwa, n'ubuyobozi bwa gereza. Yavuze ko mu mategeko mashya, abafungwa batazongera guhanishwa kudahabwa amwe mu mafunguro ari ku rutonde rw'ayo bahabwa.

44. Murenzi yavuze ko gereza yandika mu gitabo amafunguro buri mufungwa yahawe. Abafungwa basinya muri icyo gitabo mu rwego rwo kwemeza ko bafunguye buri funguro bahawe. Abafungwa bo mu gice cyihariye cya gereza bahagaritse gusinya muri icyo gitabo mu ntangiriro za 2014.

45. Ku birebana no kuvurwa, Murenzi yavuze ko gereza ifitanye amasezerano n'Ibitaro byitiriwe Umwami Fayisali. Ubufasha bw'ibanze bushobora gutangirwa kuri gereza, kandi hari abaforomokazi baha abafungwa barwaye imiti bahawe ku bitaro. Abafungwa bajyanwa ku bitaro mu rwego rwo kwivuza ku buryo bwihariye, iyo babisabye. Murenzi yavuze ko gereza itigeze yanga kujyana umuntu wabisabye kwa muganga kandi ko abafungwa bashobora kubonana n'umuganga w'inzobere bibaye ngombwa. Murenzi yavuze ko umuganga aza ku ivuriro rya gereza kabiri mu cyumweru. Uyu muganga yita ku bantu bafunze bose ntabwo yita ku bafungwa bo mu gice cyihariye cya gereza bonyine.

46. Ku birebana no gukoresha telefone, Murenzi yavuze ko abafungwa bahamagara kenshi abunganizi babo. Murenzi yatweretse igitabo bandikamo ibirebana na telefone cyanditsemo itariki, abafungwa, igihe bahamagariye kuri telefone, uwo bahamagaye n'umukono wabo. Abafungwa bemerewe iminota 10 kuri buri muntu bahamagaye, ariko iyo bibaye ngombwa, bahabwa igihe kirenzeho. Gereza ni yo yishyura telefone. Murenzi yavuze ko abafungwa basabwe guha ubuyobozi bwa gereza nomero za telefone z'abantu bifuza guhamagara.

47. Murenzi yavuze ko umwe mu bafungwa bafungiye mu gice cyihariye cya gereza yasabye Umuyobozi mukuru w'amagereza mu Rwanda kuzajya asurwa n'uwo bashakanye kandi bagahabwa aho babonanira mu ibanga ry'abashakanye. Haracyategerejwe igisubizo kuri icyi cyifuzo.

48. Ku birebana n'isuku, Murenzi yavuze ko hari umukozi ushinzwe imibereho myiza y'abafungwa ukora ibyangombwa byose kugira ngo habe hari amasabune, impapuro zo kwisukura, amavuta yo kwisiga n'ibikenewe mu kogosha ubwanwa bihagije. Hari abakozi babiri bashinzwe igice cyihariye cya gereza. Rimwe na rimwe abafungwa batanga mu nyandiko ibyo batishimiye, ubundi bakabibwira mu magambo ubuyobozi bwa gereza. Murenzi yavuze ko atarumva ikintu cyatswe n'abafungwa ngo bakibime. Hari igihe gushakira umuti ikibazo cyavuzwe n'abafungwa byagiye bitinda kubera amategeko agenga amasoko ya Leta, ariko ikibazo cyabonewe umuti kuko gereza igurira icya rimwe ibintu bimara amezi atatu.

49. Murenzi yavuze ko abafungwa bemerewe kujya mu nyigisho z'amadini. Umupadiri aza kuri gereza saa tatu za mu gitondo, amasengesho akarangira saa sita n'igice. Murenzi avuga ko abafungwa bo mu gice cyihariye cya gereza bajya muri ayo masengesho muri icyo gihe kimwe n'abandi bafungwa, bakivanga.

50. Murenzi yavuze ko gereza igifite igitekerezo cyo kubaka bundi bushya igice cyihariye cya gereza. Yemeje ko gereza yaguze dekoderi ya televiziyo nshya kugira ngo abafungwa bashobore kubona imirongo ya televiziyo y'inyongera.

51. Murenzi yavuze ko muri rusange, Uwinkindi nta byo yinubiye kandi ko yitwara neza. Yavuze kandi ko Uwinkindi anyura mu nzira zemewe iyo hari ikibazo ashaka kugeza ku buyobozi bwa gereza.

52. Murenzi yavuze ko yifuza gusura gereza y'Umuryango w'Abibumbye iri Arusha (« UNDF » mu magambo ahinnye y'icyongereza) kugira ngo amenye uko iteye. Abafungwa bavuye Arusha bavuga buri gihe ko ibintu byari bimeze neza kurushaho Arusha. Murenzi yashyikirije abamuyobora icyifuzo cyo kujya Arusha. Yifuza gusura UNDF kugira ngo atunganye kurushaho imibereho myiza mu gice cyihariye cya gereza anarebe imibereho abafungwa bari bemerewe Arusha.

I. Tariki 29 Mutarama 2014 : Kubonana na Perezida w'Urugaga rw'Abavoka mu Rwanda

53. Ku itariki ya 29 Mutarama 2014, nabonanye na Athanase Rutabingwa, perezida w'Urugaga rw'Abavoka mu Rwanda.

54. Rutabingwa yavuze ko mu masezerano yasinywe yo guhemba abunganizi mu rubanza rwa Uwinkindi, RBA ifitemo uruhare rutoya. RBA izakurikirana ko abunganizi bahawe kunganira Uwinkindi buzuza inshingano zabo z'akazi. Ikindi kandi, RBA izasubiza ibibazo byose izashyikirizwa na Uwinkindi bijyanye n'uburyo yunganiwemo. RBA kandi izakurikirana ibibazo birebana no kumenya niba abunganizi bishyurwa na Minisiteri y'Ubutabera, kandi izaba umuhuza hagati y'abunganizi na Minisiteri y'Ubutabera niharamuka hari umwunganizi winubiye ko atahawe umushahara we. Icyakora RBA izagira uruhare gusa mu rwego rwo kumenya niba ibihembo by'abunganizi byatanzwe, ntabwo izagira icyo ikora umwunganizi aramutse agiranye ikibazo na Minisiteri y'Ubutabera ku bijyanye no guhabwa amafaranga y'urugendo rugamije gukora iperereza. Igihe twabonanaga, Rutabingwa yari ataragezwaho ikibazo icyo ari cyo cyose cyabyukijwe na Uwinkindi cyangwa n'abunganizi be. Rutabingwa yavuze ko urubanza rwa Uwinkindi nirurangira, abunganizi bashinzwe kumwunganira bazaba bafite inshingano yo gukorera RBA raporo mu nyandiko ivuga kuri urwo rubanza.

55. Rutabingwa yavuze ko RBA yiteguye kuzagira uruhare nk'urwo mu zindi manza zoherejwe na TPIR.

J. Tariki ya 29 Mutarama 2014 : Kubonana na Uwinkindi

56. Ku itariki ya 29 Mutrama 2014, nabonanye na Jean Uwinkindi kuri gereza. Uwinkindi yavuze ko hari abantu bamaze iminsi baterefona umugore we bakamubwira ko bashaka guhura na we kugira ngo abahe amakuru yerekeye Uwinkindi. Umugore wa Uwinkindi ntabwo yamenye amazina y'abo bantu, kubera iyo mpamvu akaba yarabwiye umugabo we ko atazabonana na bo. Abandi bantu bahamagaye umugore wa Uwinkindi bamubwira ko ari abanyamategeko kandi ko bashaka kubonana na we. Uwinkindi yavuze ko abo

bantu atari abanyamategeko bamwunganira. Uwinkindi yagize impungenge ku mutekano w'umugore we, kubera abo bantu bamuhamagaye.

57. Ku birebana n'iburanisha ryo ku itariki ya 22 Mutarama 2014, Uwinkindi yavuze ko adashobora kuzaburanishwa mu buryo buboneye, avuga ko buri gihe Urukiko Rukuru rwemera ibyavuzwe na Porokireri.

K. Tariki ya 12 Gashyantare 2014, iburanisha mu Rukiko Rukuru rw'u Rwanda

58. Urukiko Rukuru rw'u Rwanda rwaburanishije urubanza rwa Uwinkindi ku itariki ya 12 Gashyantare 2014, mu rwego rwo gusoma icyemezo ku ngoboka mbanzirizarubanza zatanzwe n'Ubwunganizi. Ubushinjacyaha bwari buhagarariwe na Jean Bosco Mutangana. Jean Uwinkindi yari mu rukiko ubwe kandi yunganiwe n'umwunganizi we mukuru Gatera Gashabana. Urukiko rwatanze icyemezo cyanditse.

59. Rusoma mu ijwi riranguruye icyo cyemezo, Urukiko Rukuru rwavuze ko ingoboka zatanzwe n'Ubwunganizi nta shingiro zifite. Rushingiye ku Ngingo ya 1 ya Sitati ya TPIR n'ingingo ya 5 y'Itegeko ry'u Rwanda rigenga imanza zoherejwe mu Rwanda,[11] Urukiko rwemeje ko rufite ububasha bushingiye ku gihe bwo kuburanisha uru rubanza kuko ibyaha bivugwa mu Nyandiko y'ibirego byakozwe mu wa 1994. Ku birebana n'ibyavuzwe n'Ubwunganizi ko Inyandiko y'ibirego irimo amatariki avuguruzanya ku birebana n'igihe ibyaha bivuga byakoreweho, Urukiko rwavuze ko ruzafata icyemezo kuri iki kibazo igihe ruzaba rwumva ibimenyetso. Urukiko kandi rwavuze ko ibivugwa n'Ubwunganizi ko Porokireri yareze mu buryo butemewe Uwinkindi jenoside n'ibyaha byibasiye inyokomuntu, n'ibyavuzwe n'Ubwunganizi ko Porokireri yareze mu buryo butemewe Uwinkindi icyaha cyo kuba icyitso cy'abakoze jenoside n'icyo kutabuza

[11] Ingingo ya mbere ya Sitati ya TPIR iteganya ko TPIR ifite ububasha bwo gucira imanza abantu bakekwaho ibyaha byakozwe hagati y'itariki ya 1 Mutarama 1994 n'iya 31 Ukuboza 1994. Ingingo ya 5 y'Itegeko N° 47/2013 ryo ku itariki ya 16 Kamena 2013 rigena kwimurira imanza muri Repubulika y'u Rwanda igira iti « abaregwa mu manza zimuriwe mu Rwanda zivuye muri TPIR no mu Rwego, bakurikiranwaho gusa ibyaha TPIR n'Urwego bifitiye ububasha ».

abandi gukora ibyaha, bidafite ishingiro. Urukiko rwavuze ko kuva mbere, mu cyemezo rwafashe ku itariki ya 16 Gicurasi 2013, rwafashe ibyemezo ku ngoboka z'Ubwunganizi uretse ku kibazo kijyanye n'ububasha bwarwo bushingiye ku gihe.

60. Rumaze kuvuga ko ingoboka z'Ubwunganizi uko zakabaye nta shingiro zifite, Urukiko rwategetse ko iburanisha ry'urubanza mu mizi yarwo rizatangira ku itariki ya 26 Gashyantare 2014.

L. Tariki ya 13 Gashyantare 2014: Kubonana na Uwinkindi

61. Ku itariki ya 13 Gashyantare 2014, nabonanye na Uwinkindi kuri gereza. Uwinkindi yavuze ko ababajwe n'icyemezo cyafashwe n'Urukiko Rukuru ku itariki ya 12 Gashyantare 2014, avuga ko kigaragaza ko nta butabera buri mu Rwanda.

62. Uwinkindi yavuze ko imibereho y'abafungwa baba mu gice cyihariye cya gereza ari iy'abantu baba bonyine. Yavuze ko batabonana n'abandi bafungwa bafungiye muri gereza muri rusange. Ikindi kandi ngo abafungwa barinzwe na ba maneko aho kurindwa n'abacungagereza basanzwe. Uwinkindi yavuze ko abafungwa basabye Umuyobozi wa gereza gushyira ku gice cyihariye cya gereza abacungagereza basanzwe. Uwinkindi yemeza ko amategeko y'u Rwanda ateganya ko abafungwa barindwa n'abacungagereza aho kurindwa n'abapolisi, kandi ko abafungwa nta kibazo bagirana n'abacungagereza basanzwe.

63. Ku birebana no kuvurwa, Uwinkindi yinubiye ko abafungwa batavurwa iyo barwaye. N'ubwo hari umuganga uza kuri gereza buri cyumweru kuvura abafungwa bose bari muri gereza, Uwinkindi yavuze ko ubuyobozi bwa gereza butemerera abafungwa bo mu gice cyihariye cya gereza kubonana n'uwo muganga. Uwinkindi yavuze ko yakomeretse akora imyitozo mu gipango cya gereza. Asabye imiti umuforomokazi, yamubwiye ko ayimuha ari uko yishyuye amafaranga 1.000. Uwinkindi yabiregeye umuyobozi wa gereza, amubajije izina ry'uwo muforomokazi, yanga kurimubwira.

64. Uwinkindi yinubiye ko amafunguro bahabwa na gereza atarenga umunwa. N'ubwo Umuyobozi wa gereza n'umwungirije bagishije inama abafungwa ku birebana n'amafunguro bahabwa, nta cyahindutse kuri ayo mafunguro.

M. Tariki ya 25 Gashyantare 2014 : Kubonana n'umuyobozi wa gereza

65. Nongeye kubonana na Alex Murenzi, umuyobozi wa Gereza Nkuru ya Kigali ku itariki ya 25 Gashyantare 2014. Murenzi yavuze ko hari undi muntu mushya weguriwe isoko ryo kugaburira abafungwa kandi ko abafungwa nta kibazo bari bavuga ko bafite ku mafunguro. Murenzi yavuze kandi ko inyandiko y'ibanze y'amabwiriza n'amategeko azagenga abafungwa[12] iri gusuzumwa n'abamukuriye mu kazi.

N. Tariki ya 25 Gashyantare 2014 : Kubonana na Uwinkindi

66. Nabonanye na Uwinkindi kuri gereza ku itariki ya 25 Gashyantare 2014. Umwunganizi mukuru wa Uwinkindi ari we Gatera Gashabana n'umwungirije Jean Baptiste Niyibizi na bo bari bahari mu gice kimwe cy'uwo mubonano.

67. Uwinkindi yavuze ko yifuza ko abunganizi be bajuririra icyemezo cyafashwe n'Urukiko Rukuru ku itariki ya 12 Gashyantare 2014 cyavuze ko ingoboka ze nta shingiro zifite. By'umwihariko, Uwinkindi yavuze ko atemeranyijwe n'icyemezo cy'Urukiko Rukuru kigumishaho ikirego cyo kuba icyitso cy'abakoze jenoside kandi cyari cyavanywe mu Nyandiko y'ibirego yakozwe na TPIR.

68. Uwinkindi yavuze ko ku itariki ya 14 Gashyantare 2014, umugore we yaje kumusura kuri gereza. Umuliyetona wari umaze iminsi mike yoherejwe gukora aho kuri gereza agashingwa igice cyihariye cya gereza n'ubuyobozi bwa gereza, yamubwiye amagambo mabi muri icyo gihe yasurwaga n'umugore we. Uwo muliyetona ngo yahise ahagarika uko gusurwa Uwinkindi amaranye n'umugore we iminota 10 cyangwa 15. Nyuma y'ibyo Uwinkindi yavuganye n'umugore we, uyu amubwira ko azagaruka kuri gereza igihe hazaba hatakiri ibibazo mu rwego rwo gusurwa. Ibyo bitaraba, umugore wa Uwinkindi

[12] Reba ibivugwa mu gika cya 42 haruguru.

yazaga kuri gereza buri cyumweru, akamuzanira imbuto. Uwinkindi yavuze ko mbere y'uko uyu muliyetona ashingwa igice cyihariye cya gereza, abafungwa bari bemerewe kuvugana n'ababasura igihe kirekire kurushaho. Uwinkindi avuga ko n'abandi bafungwa bo mu gice cyihariye cya gereza nabo bagize ibibazo bisa n'ibye mu rwego rwo gusurwa. Ku itariki ya 15 Gashyantare 2014, abafungwa bo mu gice cyihariye cya gereza bohereje umuyobozi wa gereza ibaruwa bose basinyeho binubira icyo kibazo. Uwinkindi yavuze ko umuyobozi wa gereza yavuze ko ashaka kubonana na we, akaba yibwira ko uwo mubonano waba ugamije kuvuga kuri iki kibazo.

69. Uwinkindi yavuze ko na mbere habaye ibibazo mu rwego rwo gusurwa kuri gereza. Yavuze ko umukobwa we yaje kumusura ku itariki ya 27 Ukuboza 2013, ntibamwemera kubona se. Kuva kuri iyo tariki, ntiyongeye kuza kuri gereza. Uwinkindi yavuze ko muramu we yatutswe n'abayobozi bo kuri gereza igihe yari yaje kumusura mu wa 2013.

70. Uwinkindi yongeye kuvuga ko adafite ahantu hakwiye kuri gereza ho kubonanira n'abamwunganira. Gashabana yavuze ko gereza ikwiye kugena ahantu hakwiye azajya abonanira n'uwo yunganira, anavuga ko akenshi bagiye babonanira muri garaje iri kuri gereza.

71. Gashabana yavuze ko ku itariki ya 24 Gashyantare 2014, yatanze ubujurire mu Rukiko rw'Ikirenga ku cyemezo cyafashwe n'Urukiko Rukuru ku itariki ya 12 Gashyantare 2014. Mu kiganiro twari twagiranye na Gashabana mbere, yavuze ko ingingo ya 18 y'Itegeko rigenga imanza zoherejwe mu Rwanda, iteganya ko iburanisha rigomba gusubikwa kugera igihe icyemezo kizafatwa ku bujurire. Gashabana ateganya ko azanengwa kubera ko yajuriye, abamunenga bavuga ko ashaka gusa gutinza urubanza.

O. 26 Gashyantare 2014 : Iburanisha mu Rukiko Rukuru rw'u Rwanda

72. Urukiko Rukuru rwarateranye mu rwego rwo gutangira iburanisha mu rubanza rwa Uwinkindi. Ubushinjacyaha bwari buhagarariwe na Jean Bosco Mutangana na Bonaventure Ruberwa. Jean Uwinkindi yari mu rukiko ubwe, yunganiwe n'umwunganizi we mukuru Gatera Gashabana.

73. Gashabana yabwiye Urukiko ko yatanze ubujurire mu Rukiko rw'Ikirenga rw'u Rwanda ku cyemezo cyafashwe n'Urukiko Rukuru ku itariki ya 12 Gashyantare 2014. Urukiko rwamubajije niba, hazirikanywe ubwo bujurire, urubanza rwakomeza.

74. Gashabana yavuze ko ingingo ya 18 y'Itegeko rigena kwimurira imanza mu Rwanda iteganya ko ibyemezo byose by'Urukiko Rukuru bishobora kujuririrwa.[13] Ikindi kandi, iyo habaye ubujurire, iburanisha imbere y'Urukiko Rukuru rigomba gusubikwa kugeza igihe icyemezo gifatiwe ku bujurire. Gashabana yamenyesheje Urukiko ko Urukiko rw'Ikirenga rwagennye ko itariki y'iburanisha kuri ubwo bujurire ari iya 24 Werurwe 2014. Muri urwo rwego, Gashabana yasabye Urukiko gusubika iburanisha igihe hagitegerejwe icyemezo ku bujurire bwe.

75. Mu gisubizo cye, Porokireri yavuze ko Ubwunganizi bufite uburenganzira bwo kujurira, ariko avuga ko iburanisha rikwiye gukomeza. Porokireri yashingiye ku ngingo ya 162 y'Igitabo cy'amategeko y'imbonezamubano[14]. Porokireri kandi yavuze ko ingingo ya 18 y'Itegeko rigena kwimurira imanza mu Rwanda idateganya ko iburanishwa rihagarikwa.

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[13]Ingingo ya 18 y'Itegeko rigena kwimurira imanza mu Rwanda rivuga ko :

Umushinjacyaha n'uregwa bafite bombi uburenganzira bwo kujuririra icyemezo icyo ari cyo cyose cyafashwe n'Urukiko Rukuru mu gihe hari imwe cyangwa zose mu mpamvu zikurikira:

1° ukwibeshya gushingiye ku ngingo y'itegeko gutuma icyo cyemezo gita agaciro ;

2° ukwibeshya gushingiye ku byabaye kwatumye urubanza rucibwa nabi.

Urukiko rw'Ikirenga rushobora kwemeza ibyemezo byose by'Urukiko Rukuru cyangwa bimwe muri byo cyangwa kutabyemeza byose. Iyo bibaye ngombwa, rushobora gutegeka Urukiko Rukuru ko urubanza rusubirwamo.

[14] Ingingo ya 162 y'Itegeko N°21/2012 ryo ku itariki ya 14 Kamena 2012 ryerekeye imiburanishirize y'imanza mbonezamubano iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko :

Umuntu wese wabaye umuburanyi mu rubanza ku rwego rwa mbere ashobora kurujuririra iyo abifitemo inyungu, keretse iyo amategeko abigena ukundi.

Icyakora, kujuririra imanza zibanziriza izindi bikorwa gusa iyo urubanza rw'iremezo rwaciwe kandi bigakorerwa rimwe. Muri icyo gihe, igihe cyo kujuririra urubanza rubanziriza urundi gitangira kubarwa kuva ku munsi urubanza w'iremezo rwamenyesherejweho umuburanyi.

Porokireri yavuze ko kugira ngo urubanza rusubikwe, Urukiko Rukuru rugomba gusuzuma ishingiro ry'ubujurire, rukemeza niba koko Ubwunganizi bwanengaga ikosa ryo mu rwego rw'amategeko cyangwa rw'ibyabaye nk'uko biteganywa mu ngingo ya 18 y'Itegeko rigena kwimurira imanza mu Rwanda. Ubwunganizi bwavuze ko Urukiko rw'Ikirenga ari rwo rwonyine rusuzuma ishingiro ry'ubujurire, bukomeza buvuga ko iyo habaye kugongana kw'amategeko yubahirizwa mu Rwanda n'Itegeko rigena kwimurira imanza mu Rwanda, iri tegeko ari ryo rigenderwaho.[15] Ubwunganizi bwasubiyemo ko iburanisha rigomba gusubikwa mu gihe hategerejwe icyemezo ku bujurire.

76. Urukiko rwasubitse iburanisha, rumenyesha ababuranyi ko ruzafata icyemezo ku ngoboka y'Ubwunganizi isaba gusubika iburanisha, ku itariki ya 19 Werurwe 2014.

P. Tariki ya 27 Gashyantare 2014 : Kubonana n'uwunganira Uregwa

77. Nabonanye na Gashabana ku itariki ya 27 Gashyantare 2014. Gashabana yampaye kopi y'ubujurire Ubwunganizi bwatanze mu Rukiko rw'Ikirenga rw'u Rwanda ku ya 24 Gashyantare 2014.

78. Gashabana yavuze ko uwo yunganira n'abandi bafungwa bafungiye mu gice cyihariye cya gereza nkuru ya Kigali, bateguye indi baruwa yo kohereza umuyobozi wa gereza, binubira ko abantu bashinzwe umutekano bababuza uburyo igihe basuwe n'abantu bo mu miryango yabo. Abo bantu bashinzwe umutekano bakoresheje imvugo idakwiye kandi babuza abo bafungwa uburenganzira bwo gusurwa.

79. Gashabana yavuze ko iyo baruwa yateguwe n'umwe mu bafungwa bafungiye mu gice cyihariye cya gereza. Umwunganizi w'umufungwa wateguye iyo baruwa yasabye Gashabana na we gusinya kuri iyo baruwa. Gashabana yavuze ko amategeko agenga umwuga we atamwemerera gusinya iyo baruwa, kuko akazi yahawe ari ako kunganira gusa Uregwa. Yavuze ko adashobora gusinya ibaruwa mu mwanya w'abandi bantu no mu mwanya w'abunganirwa n'abandi bunganizi. Gashabana yavuze ko yahamagaye kuri

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[15] Ingingo ya 27 y'Itegeko rigena kwimurira imanza mu Rwanda ivuga ibi bikurikira : « Iri tegeko ni ryo rikurikizwa, igihe hari aho rinyuranyije n'andi mategeko asanzwe ».

telefone umuyobozi wa gereza akamubwira ko hari ikibazo mu rwego rwo gusurwa kw'abafungwa.

80. Gashabana yavuze ko agitegereje gutanga fagitiri isaba kwishyurwa amafaranga yakoreye kuva ku itariki ya 1 Gicurasi kugera ku ya 31 Ukwakira 2013. Kugira ngo ashobore kuzuza ibijyana n'iyo fagitire, agomba kubona inyandiko yagiye asinyaho ubwo yajyaga kuri gereza, kugira ngo agaragaze umubare w'amasaha yamaze kuri gereza abonana n'uwo yunganira. Gashabana yavuze ko gereza yamwimye ayo makuru ivuga ko itabiherewe uruhushya n'umuyobozi mukuru w'amagereza mu Rwanda. Yagiye kureba umunyamabanga uhoraho wa Minisiteri y'Ubutabera kubera iyo ngorane. Gashabana yavuze ko umunyamabanga uhoraho yahaye gereza amabwiriza yo guha Gashabana inyandiko akeneye. Ubuyobozi bwa gereza bwavuze ko nta mabwiriza nk'ayo bwahawe. Gashabana yavuze ko yateguye ibaruwa yo kubaza aho ibintu bigeze azohereza umunyamabanga uhoraho wa Minisiteri y'Ubutabera, amusaba guha amabwiriza gereza yo kumuha inyandiko akeneye.

Q. Tariki ya 27 Gashyantare 2014 : Kubonana n'Ubushinjacyaha

81. Ku itariki ya 27 Gashyantare 2014, nabonanye na Florida Kabasinga, Umujyanama mu by'amategeko wa Porokireri Mukuru, na Jean Bosco Mutangana, Umushinjacyaha mukuru mu rubanza rwa Uwunkindi.

82. Mutangana yavuze ko igihe twabonanaga, Ubushinjacyaha bwari butarabona kopi y'ubujurire Ubwunganizi bwatanze mu Rukiko rw'Ikirenga rw'u Rwanda. Ubushinjacyaha buzohereza Urukiko rw'Ikirenga imyanzuro yabwo nibumara gusoma ubujurire bwatanzwe n'Ubwunganizi. Imyanzuro igomba gutangwa nibura iminsi itatu mbere y'itariki y'iburanisha, rizaba ku ya 24 Werurwe 2014. Mutangana yibukije ko nyuma y'iburanisha ryo ku itariki ya 24 Werurwe, Urukiko rw'Ikirenga ruzafata icyemezo kuri ubwo bujurire mu minsi 30 ikurikira.

83. Mutangana yavuze ko Ubushinjacyaha busanga urubanza rutari rukwiye gusubikwa hategerejwe icyemezo ku bujurire bwashyikirijwe Urukiko rw'Ikirenga. Yibukije ko

ingingo ya 18 y'Itegeko rigena kwimurira imanza mu Rwanda itavuga mu buryo bwatuye ko urubanza rugomba gusubikwa igihe habaye ubujurire imbere y'Urukiko rw'Ikirenga. Mutangana yavuze ko urubanza nirusubikwa mu gihe hazaba hategerejwe icyemezo mu bujurire, rutazashobora gutangira kuburanishwa mu mizi yarwo mbere ya Gicurasi 2014. Mutangana yatsindagiye ko urubanza rwa Uwinkindi rumaze kugera ku ntera iri imbere cyane kandi ko Ubushinjacyaha bwiteguye gutangira iburanisha ryarwo.

III. UMWANZURO

84. Ku itariki ya 19 Werurwe, Urukiko Rukuru ruzasoma icyemezo ku ngoboka yatanzwe n'Ubwunganizi busaba ko urubanza rusubikwa mu gihe hategerejwe ko Urukiko rw'Ikirenga rw'u Rwanda rufata icyemezo ku bujurire bwatanzwe n'Ubwunganizi ku cyemezo cyafashwe n'Urukiko Rukuru ku itariki ya 12 Gashyantare 2014.

85. Urukiko rw'Ikirenga rw'u Rwanda ruzumva ingingo z'ababuranyi ku bujurire bwatanzwe n'Ubwunganizi ku itariki ya 24 Werurwe 2014.

Murakoze

[Umukono]

Samuel Algozin

Umugenzuzi washyizweho na MICT mu rubanza rwa Uwinkindi