

UMURYANGO
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Urwego Rwashyiriweho Kurangiza Imirimo
y'Inkiko Mpanabyaha Mpuzamahanga

Urubanza n^o: MICT-12-25

Itariki: 27 Werurwe 2014

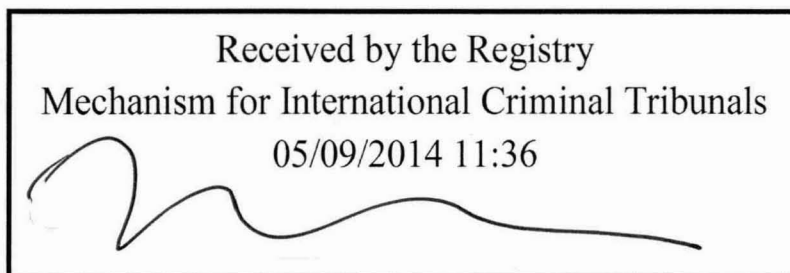
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Kuri: Perezida,
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Mpanabyaha Mpuzamahanga (MICT)

Binyujijwe kuri: Gerefiye wa MICT

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Umugenzuzi mu rubanza rwa Uwinkindi

**Raporo y'ubugenzuzi mu rubanza rwa Uwinkindi
(Werurwe 2014)**



R(RM)14-0050K

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

Raporo y'ubugenzuzi mu rubanza rwa Uwinkindi (Werurwe 2014)

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I. INTANGIRIRO

1. Iyi raporo y'ubugenzuzi ("Raporo") yerekeranye n'ibyakozwe mu rubanza rwa Uwinkindi mu butabera bw'u Rwanda n'imibonano Umugenzuzi washyizweho na MICT yagiranye n'abantu barebwa n'urwo rubanza muri Werurwe 2014 ("Igihe gikorwaho raporo"). Muri icyo gihe gikorwaho raporo, umugenzuzi ukoze iyi raporo (Samuel Algozin) yagiye mu Rwanda inshuro imwe¹.

II. RAPORO MU MAGAMBO ARAMBUYE

A. *Iburanisha mu Rukiko Rukuru rw'u Rwanda ku itariki ya 19 Werurwe 2014*

2. Ku itariki ya 19 Werurwe 2014, Urukiko Rukuru rw'u Rwanda ("Urukiko Rukuru") rwafashe icyemezo ku cyifuzo cy'Ubwunganizi gisaba ko iburanisha ryaba rihagaze mu rubanza rwa Uwinkindi mu gihe hagitegerejwe ko Urukiko rw'Ikirenga rw'u Rwanda ("Urukiko rw'Ikirenga") rusuzuma ubujurire bwatanzwe n'Ubwunganizi ku itariki ya 24 Gashyantare 2014, burwanya icyemezo Urukiko Rukuru rwafashe ku itariki ya 12 Gashyantare 2014². Muri iryo buranisha, hari Bonaventure Ruberwa wari uhagarariye Ubushinjacyaha, Uwinkindi wari kumwe n'abamwunganira ari bo Gatera Gashabana, Avoka we mukuru na Jean-Baptitse Niyibizi, Avoka we wungirije.
3. Urukiko Rukuru rwasomye icyemezo cyarwo mu ruhame. Rumaze gusubiramo ingingo z'ababuranyi kuri icyo kibazo, Urukiko Rukuru rwanze kwemera icyifuzo cy'Ubwunganizi

¹ Muri uru rugendo, hakozwemo n'ubugenzuzi mu rubanza rwa Bernard Munyagishari.

² Ku itariki ya 26 Gashyantare, Ubwunganizi kwasabye Urukiko kuba ruretse kuburanisha urubanza. Incamake y'ingingo ababuranyi batanze mu Rukiko Rukuru iri muri raporo y'Umugenzuzi mu rubanza rwa Uwinkindi (Mutarama na Gashyantare 2014) ("Raporo y'ubugenzuzi ku byakozwe muri Mutarama na Gashyantare 2014"), ibika 72-75.

gisaba ko iburanisha ryaba rihagaze maze rwemeza ko rigomba gukomeza n'ubwo Ubwunganizi bwajuririyeye icyemezo cyarwo mu Rukiko rw'Ikirenga. Urukiko Rukuru rwasobanuye ko n'ubwo ingingo ya 18 y'Itegeko ry'u Rwanda rigena kwimurira imanza muri Repubulika y'u Rwanda ("Itegeko rigena kwimurira imanza") ryemera ko ubwo bujurire bushobora gutangwa³, iryo tegeko nta cyo riteganyaga ku byerekeranye n'uko iburanisha rigomba kuba rihagaze iyo habaye ubujurire. Ahubwo, Urukiko Rukuru rwakurikije ingingo ya 162 y'Itegeko ry'u Rwanda ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsu⁴ ("Itegeko ryerekeye imiburanishirize y'imanza z'imbonezamubano") maze rufata umwanzuro uvuga ko nta mpamvu ziriho zatuma iburanisha riba rihagaze.

4. Urukiko Rukuru rwasubitswe iburanisha, rumenyeshya ababuranyi ko urubanza ruzatangira kuburanishwa mu mizi yarwo ku itariki ya 14 Gicurasi 2014.

³ Ingingo ya 18 y'Itegeko n° 47/2013 ryo ku itariki ya 16 Kamena 2013 rigena kwimurira imanza muri Repubulika y'u Rwanda ("Itegeko rigena kwimurira imanza") iteganyaga 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.

⁴ Ingingo ya 162 y'Itegeko n° 21/2012 ryo ku itariki ya 14 Kamena 2012 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsu ("Itegeko ryerekeye imiburanishirize y'imanza z'imbonezamubano"), riteganyaga ko:

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

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

B. Kubonana n'Uwinkindi ku itariki ya 20 Werurwe 2014

5. Ku itariki ya 20 Werurwe 2014, nabonanye na Jean Uwinkindi muri Gereza nkuru ya Kigali ("Gereza"), aho afunganwe na Bernard Munyagishari nyuma y'uko bimuriwe mu Rwanda n'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda ("TPIR") hashingiwe ku Ngingo ya 11bis. Uwinkindi na Munyagishari bafungiyemo mu gice cyihariye cya gereza, hamwe n'abandi bafungwa bimuriwe mu Rwanda n'inkiko z'ibindi bihugu⁵.
6. Muri uwo mubonano, Uwinkindi yavuze ko atishimiye icyemezo cyafashwe n'Urukiko Rukuru ku itariki ya 19 Werurwe 2014, rwanga kwemera icyifuzo cye gisaba ko iburanisha ryaba rihagaze. Yibazaga niba koko azacirwa urubanza ruboneye mu Rwanda. Yavuze inkuru yasohotse mu itangazamakuru ryo mu Rwanda, ivuga ko itsinda ry'imiryango ya *Société civile* ryamaganye TPIR kuko ngo igira abaregwa abere. Uwinkindi yavuze ko iyo raporo igaragaza ko bitoroshye kugira ngo aburanishwe mu buryo buboneye kuko yerekana ko mu Rwanda abantu barwanya ibyemezo bigira abere abantu baregwa jenoside. Yanavuze ko TPIR imaze kumwimurira mu Rwanda, Guverinoma y'icyo gihugu yamunyaze ubutaka bwe. Avuga ko ibyo ari akarengane kuko urubanza rwe rutararangira, bityo kugeza ubu hakaba nta cyaha na kimwe kimuhama.
7. Uwinkindi yavuze ko yabonanye n'Umuyobozi wa gereza bakaganira ku bibazo yagize byerekeranye no gusurwa kuri gereza⁶. Yavuze ko Umuyobozi wa gereza yumvise ikibazo cye maze akamubwira ko ibyo bibazo bitazongera kubaho. Uwinkindi yavuze ko yabwiye abantu bamusura kuri gereza ko ibibazo byerekeranye no kuba yasurwa byakemutse. Kuva icyo gihe, abantu baramusura muri gereza kandi nta kibazo na kimwe kirongera kubaho. Yanavuze ko yishimiye ko ubuyobozi bwa gereza bumureka agakoresha telefone

⁵ Igice cyihariye cya gereza gifungiyemo abafungwa bimuriwe mu Rwanda na TPIR, MICT n'inkiko z'ibihugu. Icyo gice gitandukanye n'ikindi gice rusange cya gereza. Muri iyi raporo ijamba "abafungwa" rivuga abantu bafungiyemo muri icyo gice cyihariye.

⁶ Ibisobanuro birambuye kuri ibyo bibazo bikubiye muri Raporo y'ubugenzuzi ku byakozwe muri Mutarama na Gashyantare 2014, ibika 5, 68-69.

maze yongeraho ko ubuyobozi bwa gereza bwanakemuye ibibazo yari afite mbere birebana no gushobora gusenga⁷.

8. Uwinkindi yavuze ko kugeza kuri iyo tariki twabonaniyeho, yari agitegereje guhabwa inyandiko yahinduwe mu kinyarwanda ya raporo y'ubugenzuzi ku byakozwe muri Mutarama na Gashyantare 2014. Yavuze ko namara kubona iyo raporo azashobora gusubiza ibyo umuyobozi wa gereza avuga muri iyo raporo⁸.

C. Kubonana n'Umuyobozi wa Gereza ku itariki ya 20 Werurwe 2014

9. Ku itariki ya 20 Werurwe 2014, nabonanye na Alex Murenzi, Umuyobozi wa Gereza nkuru ya Kigali ("Gereza").
10. Murenzi yavuze ko amategako n'amabwiriza bishya bigenga abantu bafungiyeye mu gice cyihariye byarimo gusubirwamo n'ibiro bya Komiseri Mukuru w'Urwego Rushinzwe Imfungwa n'Abagororwa mu Rwanda⁹. Yavuze ko amategako n'amabwiriza bishya bizaba byanonosowe bidatinze.
11. Murenzi yanavuze ko yaganiriye n'abafungwa ku bibazo byari biherutse kuvuka byerekeranye no gusurwa. Yavuze ko ibyo bibazo byakemutse ku buryo bushimishije abo bireba bose. NK'uko nari nabisabwe n'Uwinkindi, nabwiye Murenzi ko Uwinkindi amushimira kubera ko yari yakemuye icyo kibazo.
12. Ku byerekeranye n'ifunguro rihabwa abafungwa, Murenzi yavuze ko atarumva hari uvuga ko hari ikibazo kuva hashyirwaho umuntu mushya ugaburira abafungwa.

⁷ Ibisobanuro birambuye ku byo Uwinkindi atishimiye byerekeranye n'amasengesho bikubiye muri Raporo y'ubugenzuzi ku byakozwe muri Mutarama na Gashyantare 2014, igika cya 5.

⁸ Reba Raporo y'ubugenzuzi ku byakozwe muri Mutarama na Gashyantare 2014, ibika 40-52.

⁹ Amakuru arambuye ku mushinga w'amategako n'amabwiriza akubiye muri Raporo y'ubugenzuzi ku byakozwe muri Mutarama na Gashyantare 2014, igika cya 41.

13. Murenzi yavuze ko abafungwa bahawe ibyo bakeneye byose birimo ibikoresho byo kogosha, umuti wica udusimba, inzitiramibu n'amazi anyobwa, ibi bikaba binyuranye n'ibyo abafungwa bavuga¹⁰. Murenzi avuga ko agereranyije, ku muni buri mufungwa ahabwa litiro ebyiri z'amazi anyobwa. Ku byerekeranye n'ibyo abafungwa binubira ku birebana no kuvurwa¹¹, Murenzi yashimangiye ko abafungwa bashobora kujya ku bitaro byitiriwe Umwami Faisal kandi ko iyo bisabwe bahita boherezwayo.
14. Murenzi yavuze ko hateganyijwe kubaka ibindi byumba bibiri, byegeranye n'igice cyihariye cya gereza, kugira ngo byoroherenze abafungwa kujya babonana n'abavoka babo. Murenzi yavuze ko imirimo yo kubaka ibyo byumba izatangira vuba kandi ko bitazatinda kuzura.
15. Murenzi yanavuze ko nta bapoliisi ba maneko biyoberanyije barinda abafungwa kandi ko abarinzi bose ba gereza ari abakozi ba gereza, ibi bikaba binyuranye n'ibyo abafungwa bavuga¹².
16. Murenzi yavuze ko yabonye ibaruwa y'Umunyamabanga Uhoraho muri Minisiteri y'Ubutabera yamusabaga korohereza avoka wa Uwinkindi kureba mu gitabo cyandikwamo abantu baje gusura abafungwa muri gereza kugira ngo ashobore kumenya umubare w'amasaha yamaranye n'Uwinkindi muri gereza¹³. Murenzi yavuze ko uwo avoka ashobora kureba muri icyo gitabo kuri gereza, nk'uko byasabwe n'Umunyamabanga Uhoraho muri Minisiteri w'Ubutabera.

¹⁰ Nk'urugero, reba Raporo y'ubugenzuzi ku byakozwe muri Mutarama na Gashyantare 2014, igika cya 6.

¹¹ Nk'urugero, reba Raporo y'ubugenzuzi ku byakozwe muri Mutarama na Gashyantare 2014, igika cya 7.

¹² Nk'urugero, reba Raporo y'ubugenzuzi ku byakozwe muri Mutarama na Gashyantare 2014, igika cya 5.

¹³ Mbere yaho, Avoka mukuru wa Uwinkindi yari yavuze ko yari akeneye kureba mu gitabo cyandikwamo abantu baje gusura abafungwa muri gereza kugira ngo ashobore gukora fagitiri yo kohereza muri Minisiteri y'Ubutabera, maze bitume ahemberwa imirimo yakoze hagati y'itariki ya 1 Gicurasi n'iya 31 Ukwakira 2013. Reba Raporo y'ubugenzuzi ku byakozwe muri Mutarama na Gashyantare 2014, igika cya 80.

D. Iburanisha mu Rukiko rw'Ikirenga rw'u Rwanda ku itariki ya 24 Werurwe 2014

17. Ku itariki ya 24 Werurwe 2014, inteko igizwe n'abacamanza batatu b'Urukiko rw'Ikirenga ("Urukiko rw'Ikirenga") bumvise ingingo zatanze mu bujurire bwatanzwe n'Ubwunganizi ku itariki ya 24 Gashyantare 2014, ku cyemezo cyafashwe n'Urukiko Rukuru¹⁴. Ku itariki ya 20 Werurwe 2014, Porokireri yatanze igisubizo mu nyandiko kuri ubwo bujurire. Mu iburanisha kuri ubwo bujurire, Jean Bosco Mutangana na Bonaventure Ruberwa bari bahagarariye Ubushinjacyaha. Uwinkindi yari ahari, yunganiwe na Gatera Gashabana, Avoka we mukuru na Jean-Baptiste Niyibizi, Avoka we wungirije.
18. Mu ikubitiro, Porokireri yarwanyije kuba ubujurire bw'Ubwunganizi bwanditse mu gifaransa aho kuba mu kinyarwanda. Porokireri yavuze ko Ubwunganizi bwigeze gusaba Urukiko Rukuru gutegeka ko iburanisha riba mu kinyarwanda kubera ko ari rwo rurimi Uwinkindi yumva, kandi ko Urukiko Rukuru rwemeye icyo cyifuzo¹⁵. Avoka wunganira Uregwa yasubije ko Porokireri ataharenganiye kubera ururimi ubujurire bwanditse maze avuga ko igifaransa cyemewe mu Itegeko-Nshinga ry'u Rwanda nk'ururimi rukoreshwa mu mirimo ya leta. Yanongeyeho ko Porokireri yashoboye gutanga igisubizo cyanditse kuri ubwo bujurire. Avoka yanamenyesheje Urukiko rw'Ikirenga ko yasobanuriye Uwinkindi ibikubiye muri ubwo bujurire. Rumaze kumva ingingo z'ababuranyi, Urukiko rw'Ikirenga rwavuze ko Uwinkindi atumva igifaransa maze rutegeka ko izindi nyandiko zose Ubwunganizi buzajya butanga zigomba kuba mu kinyarwanda.

¹⁴ Ibisobanuro birambuye ku bujurire bwatanzwe ku Cyemezo cyafashwe n'Urukiko Rukuru ku itariki ya 12 Gashyantare 2014, bikubuye muri Raporo y'ubugenzuzi ku byakozwe muri Mutarama na Gashyantare 2014, ibika 14-25 na 58-61.

¹⁵ Reba Raporo yakozwe n'Umugenzuzi washyizweho mu rubanza rwa Uwinkindi (Werurwe 2013), igika cya 17; Raporo y'Abagenzuzi bashyizweho n'Urukiko mu rubanza rwa Uwinkindi (Gicurasi na Kamena 2013), igika cya 8.

19. Mu gisubizo Porokireri yatanze mu nyandiko ku itariki 20 Werurwe 2014, mu byo yavuze harimo ko Urukiko rw'Ikirenga rwagombaga kutakira ubwo bujurire. Urukiko rw'Ikirenga rwasabye ababuranyi bombi gutanga ingingo zabo mu magambo kuri ubwo bujurire.
20. Porokireri yavuze ko ingingo ya 18 y'Itegeko rigena kwimura imanza iteganya ko ababuranyi bashobora kujuririra icyemezo cyose cyafashwe n'Urukiko Rukuru. Cyakora, Porokireri yongeyeho ko iryo tegeko nta cyo rivuga ku byerekeranye n'igihe ubwo bujurire bwatangirwa ndetse ntiravugaga niba bushobora kuburanishwa. Byongeye kandi, Porokireri avuga ko itegeko ry'u Rwanda ryerekeye imiburanishirize y'imanza z'inshinjabyaha nta cyo riteganya kuri iki kibazo.
21. Porokireri yavuze ko, kubera izo mpamvu, Itegeko ryerekeye imiburanishirize y'imanza z'imbonezamubano ari ryo ryagombye gukurikizwa mu kureba igihe ubujurire bugomba gutangirwaho mu rubanza rwa Uwinkindi¹⁶. Yavuze ko ingingo ya 90 y'Itegeko ryerekeye imiburanishirize y'imanza z'imbonezamubano iteganya ko iyo umuburanyi ajuririye icyemezo cy'urukiko rwo hasi kivuga ko rufite ububasha bwo kuburanisha urubanza, ubwo bujurire buburanishirizwa hamwe n'ubujurire ku rubanza mu rw'iremezo¹⁷. Porokireri yavuze ko muri uru rubanza, Urukiko Rukuru rwafashe icyemezo kivuga ko rufite ububasha bwo kuburanisha urubanza rwa Uwinkindi¹⁸, ko rero ubujurire bwose kuri icyo cyemezo bwagombye kuburanishirizwa rimwe n'ubujurire bwatangwa ku rubanza rwaciwe n'Urukiko Rukuru. Bityo rero, Porokireri yavuze ko Urukiko rw'Ikirenga rutagombye kwirirwa rusuzuma ishingiro ry'ubujurire bw'Ubwunganizi bwatanze ku cyemezo cyafashwe n'Urukiko Rukuru.

¹⁶ Ingingo ya 1 y'Itegeko ryerekeye imiburanishirize y'imanza z'imbonezamubano rigira riti:

Iri tegeko rigenga imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsu. Ni na ryo rigenga imiburanishirize y'izindi manza mu gihe nta yandi mategeko yihariye agenga icyo miburanishirize yindi, keretse mu gihe amahame ateganywa n'iri tegeko adashobora gukoreshwa mu zindi manza.

¹⁷ Ingingo ya 90 y'Itegeko ryerekeye imiburanishirize y'imanza z'imbonezamubano iteganya ko:

Iyo urukiko rwemeje ko rufite ububasha, umuburanyi utishimiye icyo cyemezo akijuririra hamwe n'urubanza rw'iremezo.

22. Porokireri yanavuze ko Urukiko rw'Ikirenga rutagombye kumva izindi ngingo zisigaye z'ubujurire bw'Ubwunganizi aho buvuga ko Urukiko Rukuru rwakoze ikosa kuko rutanze kwakira ibyo aregwa mu Nyandiko y'ibirego¹⁹. Porokireri yavuze ko ubwo bujurire buteganywa n'ingingo ya 143 y'Itegeko ryerekeye imiburanishirize y'imanza z'imbonezamubano kandi ko iyo ngingo inateganya ko ubwo bujurire buburanishirizwa hamwe n'ubujurire ku rubanza mu rw'iremezo²⁰.
23. Mu gusozwa, Porokireri yavuze ko ku itariki ya 16 Gicurasi 2013, Urukiko Rukuru rwafashe icyemezo cyerekeranye n'ireme rigize ishingiro ry'ubujurire bw'Ubwunganizi. Porokireri yavuze ko Ubwunganizi bwagombye kuba bwarajuriye Urukiko Rukuru rukimara gufata icyo cyemezo aho gutegereza amezi umunani yose ngo bujuririre ibyo bibazo.
24. Ubwunganizi bwashubije ko ubujurire bwabwo bushingiye ku Itegeko rigenga kwimura imanza kandi ko ingingo 18 y'iryo tegeko yemera ko umuburanyi ashobora kujuririra icyemezo cyose cyafatwa n'Urukiko Rukuru. Ubwunganizi bwashubiyemo ibiteganywa mu Itegeko ngenga rigenga imitunganyirize, imikorere n'ububasha bw'Urukiko rw'Ikirenga, maze buvuga ko Gerefiye w'Urukiko rw'Ikirenga yakoresheje uko bikwiye ububasha bwe maze yakira ubujurire, bityo ibibazo Porokireri abyutsa ku iyemerwa ry'ubujurire bikaba ari impitagihe²¹.

¹⁸ Reba Raporo y'ubugenzuzi ku byakozwe muri Mutarama na Gashyantare 2014, igika cya 59.

¹⁹ Reba Raporo y'ubugenzuzi ku byakozwe muri Mutarama na Gashyantare 2014, igika cya 59.

²⁰ Ingingo ya 143 y'Itegeko ryerekeye imiburanishirize y'imanza z'imbonezamubano iteganya ko:

Icyemezo gifashwe ku mpamvu zituma ikirego kitakirwa gishobora kujuririrwa cyonyine mu gihe icyo cyemezo gifashwe gituma iburanisha rirangirira aho.

Ibivugwa mu gika cya mbere cy'iyi ngingo ntibireba ariko icyemezo gifashwe ku mpamvu zituma ikirego kitakirwa mu gihe icyo cyemezo gitegeka icyemezo cy'agateganyo ku buryo iburanisha rizasubukurwa. Ijuririra ry'iki cyemezo cy'agateganyo rikorerwa hamwe n'iry'urubanza rw'iremezo rwaciwe mu mizi yarwo.

²¹ Reba ingingo ya 17 n'iya 34 z'Itegeko ngenga n° 01/2004 ryo ku itariki ya 29 Mutarama 2004 rigenga imitunganyirize, imikorere n'ububasha bw'Urukiko rw'Ikirenga.

25. Ubwunganizi bunavuga ko itegeko ryerekeye imiburanishirize y’imanza z’imbenezamubano ritakoreshwa muri uru rubanza, n’ubwo bwose Porokireri we abibona ukundi. Ubwunganizi bushimangira ko Itegeko rigenga kwimura imanza ari itegeko ryihariye ryerekerye imanza zimuriwe mu Rwanda n’Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda (“TPIR”) kandi ko iyo ibiteganywa n’iryo tegeko rigenga kwimura imanza bihabanye n’ibiteganywa n’andi mategeko, itegeko rigenga kwimura imanza ari ryo rigenderwaho²². Ubwunganizi bwashyiriyemo ibiteganywa n’Itegeko rigenga kwimura imanza ndetse n’Amategeko Agenga Imiburanishirize n’Itangwa ry’ibimenyetso ya TPIR, maze buvuga ko Itegeko rigenga kwimura imanza riteganywa ko icyemezo icyo ari cyose gifashwe n’Urukiko Rukuru gishobora guhita kijuririrwa, nk’uko bigenda muri TPIR.
26. Ubwunganizi bwavuze kandi ko ingingo ya 18 y’Itegeko rigenga kwimura imanza itavuga igihe umuburanyi agomba gutangira ubujurire. Bwongeyeho ko gukurikiza ibiteganywa mu Itegeko ryerekeye imiburanishirize y’imanza z’imbenezamubano byavutsa Uwinkindi uburenganzira afite bwo kujurira. Ubwunganizi bwanavuze ko bwajuririye, uko bikwiye, icyemezo Urukiko Rukuru rwafashe ku itariki ya 12 Gashyantare 2014 kandi ko butategereje amezi umunani ngo butange ubwo bujurire. Bwasabye Urukiko rw’Ikirenga kwemeza ko ubujurire bw’Uregwa bufite ishingiro.
27. Porokireri yasubije ko ingingo ya 18 y’Itegeko rigenga kwimura imanza itavuguruzira irindi tegeko iryo ari ryo ryose, ku byerekeranye n’igihe ntarengwa ubujurire butangwamo. Porokireri yongeyeho ko Itegeko rigenga kwimura imanza ridadeganywa ko ababuranyi bashobora “guhita” bajuririra ibyemezo by’Urukiko Rukuru nk’uko Ubwunganizi bubivugaga. Yavuze ko ahubwo iryo tegeko nta cyo rivuga ku gihe ubujurire bugomba gutangirwa, akaba ari iyo mpamvu Itegeko ryerekeye imiburanishirize y’imanza z’imbenezamubano ari ryo rigomba gukurikizwa. Porokireri yavuze ko Itegeko rigenga

²² Ingingo ya 27 y’Itegeko ryo kwimura imanza igira iti:

Iri tegeko ni ryo rikurikizwa igihe hari aho rinyuranyije n’andi mategeko asanzwe.

kwimura imanza ridakubiyemo ibiteganywa n'Amategeko Agenga Imiburanishirize n'Itangwa ry'ibimenyetso ya TPIR kandi ko ayo mategeko adakurikizwa mu manza ziburanishirizwa mu Rwanda. Porokireri yanavuze ko Urukiko rw'Ikirenga rufite ububasha bwo kwemeza niba Gerefiye yarakoze, uko bikwiye, yakira ubujurire bw'Ubwunganizi. Mu gusoza, Porokireri yavuze ko Urukiko Rukuru rwamaze gufata icyemezo kuri iki kibazo ubwo rwangaga guhagarika iburanisha mu gihe hategerejwe icyemezo ku bujurire.

28. Ubwunganizi bwasubije ko icyemezo cy'Urukiko Rukuru kivugwa na Porokireri kinyuraniye n'amategeko kandi ko Urukiko rw'Ikirenga rutagomba, byanze bikunze, kugendera ku cyemezo gifashwe n'Urukiko Rukuru.
29. Nyuma y'ingingo zatanzwe na Porokireri n'abunganira Uwinkindi, uyu na we yisabiye ubwe ko Urukiko rw'Ikirenga rwasuzuma ubujurire bwe mu mizi yabwo.
30. Rumaze kumva izo ngingo z'ababuranyi, Urukiko rw'Ikirenga rwasubitse iburanisha maze rumenyeshya ababuranyi ko ruzatanga icyemezo kuri icyo kibazo ku itariki ya 4 Mata 2014.

E. Kubonana na Porokireri ku itariki ya 24 Werurwe 2014

31. Ku itariki ya 24 Werurwe 2014, nabonanye na Jean-Bosco Mutangana, Porokireri ukuriye Ubushinjacyaha mu rubanza rwa Uwinkindi.
32. Mutangana yavuze ko mu iburanisha ryo ku itariki ya 24 Werurwe 2014, Urukiko rw'Ikirenga rwasuzumye ubujurire bw'Ubwunganizi mu mizi yabwo, ko ahubwo rwibanze gusa ku kibazo kirebana no kwakira ubwo bujurire. Mutangana yavuze ko n'iyi ubujurire bw'Ubwunganizi bwakwirwa, urubanza ruzakomeza ku itariki ya 14 Gicurasi 2014, nk'uko byategetswe n'Urukiko Rukuru. Yongeye kuvuga ko Ubushinjacyaha bwiteguye kuburana.

III. UMWANZURO

33. Ku itariki ya 4 Mata 2014, Urukiko rw'Ikirenga ruzatanga icyemezo ku bujuzire bwatanzwe n'Ubwunganizi ku cyemezo cyafashwe n'Urukiko Rukuru ku itariki ya 12 Gashyantare 2014.
34. Urukiko Rukuru rwemeje ko iburanisha rizatangira ku itariki ya 14 Gicurasi 2014.

Murakoze,

Samuel Algozin

Umugenzuzi washyizweho na MICT mu rubanza rwa Uwinkindi