Re UWAJENEZA

[Rwanda URUKIKO RW'UBUJURIRE – RADA 00002/2023/CA (Munyangeri J.P.) 28 Mata 2024]

Amategeko agenga impunzi – Gusaba ubuhungiro – Guhabwa sitati y'ubuhunzi – Mu gihe umuntu yahunze igihugu cye yari asanzwe atuyemo, ashobora gusaba ubuhungiro mu gihugu arimo akaba yabuhabwa mu gihe bigaragaye ko koko iyo aguma aho hantu ubuzima bwe bwashyirwa mu kaga bitewe n'impamvu zinyuranye zishingirwaho atotezwa.

Incamake y'ikibazo: Uwajeneza uvuka muri Repubulika Iharanira Demokarasi ya Congo yahungiye mu Rwanda mu mwaka wa 2018 we n'abagenzi be b'Abanyekongo ariko bo mu bwoko bw'Abanyamulenge, mu rwego rwo gukiza amagara yabo kuko aho bari batuye muri Teritware ya Rutshuru hari umutekeno muke, aho bicwaga, bagasahurwa ibyabo n'abantu batamenyekanye.

We ku giti cye n'abana be bane, yasabye guhabwa sitati y'ubuhunzi yandikira Komite ishinzwe kuyitanga ariko ntiyayihabwa ngo kuko atujuje ibisabwa. Yanditse atakambira Minisitiri ufite impunzi mu nshingano ze icyo cyemezo ariko na we amusubiza ko kidahindutse. Ibi byatumye atanga ikirego mu Rukiko Rukuru, urugereko rwa Nyanza, arusaba kwemeza ko yemererwa sitati y'ubuhunzi, maze mu guca urubanza rwemeza ko we n'abana be batemerewe sitati y'ubuhunzi mu Rwanda.

Urega yajuririye muri uru Rukiko rw'Ubujurire anega icyemezo cy'Urukiko Rukuru ko rwirenganyije ko yujuje iteganywa n'amategeko kugirango babobone sitati y'ubuhunzi. Iki ni cyo kibazo cyabanje gusuzumwa, aho Urega avuga ko mu rwego rwo gukiza amagara yabo bahungiye mu Rwanda, ubwo biyandikishije mu banyarwanda bashaka gutaha mu gihugu cyabo babeshya, bahagera bagashyirwa mu nkambi ya Kijote, nyuma bimurirwa mu nkambi ya Mugombwa ubwo bari bategereje guhabwa ibyangombwa by'ubuhunzi.

Ikindi anenga mu cyemezo cy'Urukiko Rukuru ni ukuba rwaremeje ko atari umunyekongo ngo kuko atagaragaje indangamuntu ahubwo akerekana ikarita y'itora, rukaba rutarasobanukiwe neza ko abaturage ba Repubulika Iharanira Demokarasi ya Congo badatunga indangamuntu, ahubwo batunga amakarita y'itora kandi ko binabaye ngombwa, uru Rukiko rwazikorera ubushakashatsi rukamenya koko ko nta ndangamuntu zitangwa muri Congo.

Urega avuga kandi ko kuba we n'umuryango we bataraje mu kivunge nkuko abo yasanze mu nkambi baje mu Rwanda, bitaba impamvu yo kudahabwa sitati y'ubuhunzi kubera ko mu gihe hari ibibazo by'umutekano muke abantu batabifata kimwe, bamwe bakaba bashobora guhunga kubera ubwoba, abandi ntibahunge. Akomeza avuga ko mu bimenyetso yatanze bigaragaza ikibazo cy'umutekano muri icyo gihugu harimo inyandiko y'Ishami ry'Umuryango w'Abibumbye ryita ku mpunzi igaragaza ko muri Kivu y'Amajyaruguru hari umutekano muke, inyandiko ivuga ku bimenyetso by'ingenzi bikoreshwa mu gusaba sitati y'ubuhunzi, ikaba igaragaza ko usaba iyo sitati adashobora kugaragaza urugero rw'ubwoba yari afite igihe yahungaga aho yari asanzwe atuye, ko ahubwo inzego zibishinzwe zikwiye kureba niba ibyaberaga aho hantu, buri wese yabigirira ubwoba.

Asoza asaba uru Rukiko kumuha sitati y'ubuhunzi kuko ibisabwa abyujuje dore ko aho yabaga hakiri intambara, ubwicanyi no kutubahiriza uburenganzira bwa muntu aribyo byatumye ahungira mu Rwanda.

Incamake y'icyemezo: Mu gihe umuntu yahunze igihugu cye yari asanzwe atuyemo, ashobora gusaba ubuhungiro mu gihugu arimo akaba yabuhabwa mu gihe bigaragaye ko koko iyo aguma aho hantu ubuzima bwe bwashyirwa mu kaga bitewe n'impamvu zinyuranye zishingirwaho atotezwa.

Ubujurire bufite ishingiro.

Amagarama aherera ku isanduku ya Leta.

Amategeko yashingiweho:
Amasezerano Mpuzamahanga yerekeye impunzi yo ku wa 28/07/1951 u Rwanda rwashyizeho umukono ku wa 22/10/1979, ingingo ya 33.
Itegeko N° 13 ter/2014 ryo ku wa 21/05/2014 ryerekeye impunzi, ingingo ya 7.
Itegeko N° 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, ingingo ya 3.

Nta manza zifashishijwe.

Urubanza

I. IMITERERE Y'URUBANZA

[1] Uwajeneza Solange avuga ko yari atuye ku musozi wa Bwiza, muri Teritware (*Territoir*) ya Rutshuru muri Repubulika Iharanira Demokarasi ya Congo, ko ariko igihe cyageze aho bari batuye bakajya baterwa n'abantu batamenyekanye baturukaga muri parike y'ibirunga yabagamo Mai Mai, FDLR na Nyatura, bagasahura ndetse bakica n'abantu, nibwo mu mwaka wa 2018 we n'abandi Banyekongo bo mu bwoko bw'Abanyamulenge bahisemo guhungira mu Rwanda mu rwego rwo gukiza amagara yabo.

[2] Uwajeneza Solange ku giti cye no mu izina ry'abana be bane ari bo Uwase Cynthia (wari ufite imyaka 10), Uwamahoro Sagesse (wari ufite imyaka 7), Agaciro Henriette (wari ufite imyaka 5) na Akoguteta Jesca (wari ufite umwaka 1) yandikiye komite ishinzwe gutanga sitati y'impunzi asaba kuyihabwa, ku wa 07/09/2020, abagize komite bamusubiza ko ubusabe bwe butakiriwe kubera ko atujuje ibisabwa, ku wa 19/09/2022 ashyikiriza Minisitiri wa MINEMA ibaruwa atakambira icyemezo cyafashwe na komite ishinzwe gutanga sitati y'impunzi, ku wa 17/01/2023, Minisitiri wa MINEMA amusubiza ko icyemezo cyafashwe n'iyo komite kidahindutse.

[3] Uwajeneza Solange yatanze ikirego mu Rukiko Rukuru, Urugereko rwa Nyanza, arusaba kwemeza ko yemererwa sitati y'ubuhunzi mu Rwanda, we n'umwunganira bakaba barasobanuye ko ibibazo by'umutekano muke byakorwaga na Mai Mai, FDLR n'aba Nyatura byibasiraga Abanyamulenge ari na byo byatumye ahunga igihugu cye bitarakemuka ndetse akaba nta n'icyizere afite ko bizakemuka.

[4] Mu rubanza RAD00003/2023/HC/NYZ rwaciwe n'Urukiko Rukuru, Urugereko rwa Nyanza ku wa 15/12/2023, urwo Rukiko rushingiye ku ngingo ya 7 y'Itegeko N° 13 ter/2014 ryo ku wa 21/05/2014 ryerekeye impunzi, ku ngingo ya 3 y'Itegeko N°15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, ku kuba mu kugaragaza ko ari Umunyekongo, Uwajeneza Solange yaragaragaje ikarita y'itora yonyine (*carte d'électeur*) nk'icyangombwa kimuranga nyamara yakagombye kugaragaza ibyangombwa byuzuye harimo irangamuntu (*carte d'identité*) cyangwa urupapuro rw'inzira (*passport*), ku kuba atagaragaza itotezwa cyangwa iterabwoba yagiriwe ku giti cye n'umuryango we aho kubigira rusange, ku kuba avuga ko yahungiye mu Rwanda aturutse mu gace ka Kishishe na Bambo kabereyemo ubwicanyi bwakorwaga n'imitwe yitwaje intwaro nyamara ibyangombwa atanga bigaragaza ko abarizwa mu gace ka Goma, ku kuba ibikorwa by'ubwicanyi avuga ko ari byo byatumye ahunga byarabereye Kishishe na Bambo mu kwezi kwa 11 n'ukwa 12 mu mwaka wa 2022 nyamara hakaba hari inyandiko igaragaza ko yanditswe n'Ishami ry'Umuryango w'Abibumbye ryita ku Mpunzi (HCR) nk'umuntu usaba ubuhungiro ku wa 27/02/2019.

[5] Urukiko Rukuru, Urugereko rwa Nyanza, rushingiye na none ku kuba mu mwanzuro utanga ikirego, Uwajeneza Solange yarasobanuye ko yinjiye mu Rwanda mu mwaka wa 2018 ndetse mu iburanisha ryo ku wa 18/10/2023 akaba yarivugiye ko yaje mu Rwanda nk'Umunyarwanda utashye mu gihugu cye, rwasanze ibisobanuro yatanze biteye ugushidikanya ku kuri kwabyo, cyane ko yahunze mu mwaka wa 2018, ibikorwa by'ubwicanyi avuga ko ari byo byatumye ahunga igihugu cye bikaba byarabaye mu mwaka wa 2022, maze rwemeza ko:

- ikirego cyatanzwe na Uwajeneza Solange nta shingiro gifite;
- Uwajeneza Solange n'abana be batemerewe sitati y'ubuhunzi mu Rwanda;
- ingwate y'amagarama Uwajeneza Solange yatanze ingana n'amafaranga ibihumbi mirongo ine (40.000 Frw) ihwana n'ibyakozwe mu rubanza.

[6] Uwajeneza Solange yajuririye urwo rubanza mu Rukiko rw'Ubujurire, ubujurire bwe bwandikwa kuri RADA 00002/2023/CA, iburanisha rishyirwa ku wa 08/01/2023, uwo munsi ugeze Uwajeneza Solange yitaba Urukiko, yunganiwe na Me Bagabo Faustin, iburanisha rirapfundikirwa umuburanyi amenyeshwa ko isomwa rishyizwe ku wa 26/01/2024, ariko mbere yo guca urubanza, rusanga ari ngombwa ko kugira ibyo rusobanurirwa na Minisitiri ushinzwe impunzi byerekeye ikibazo cy'ubuhunzikiri mu Rukiko, rutegeka ko iburanisha rizasubukurwa ku wa 12/02/2024, uwo munsi urubanza ruburanishwa Uwajeneza Solange yunganiwe nka mbere.

[7] Mu myanzuro no mu miburanire, Uwajeneza Solange n'umwunganira banenga urubanza rwajuririwe kuba Urukiko Rukuru, Urugereko rwa Nyanza rwarirengagije ko yujuje ibyo amategeko ateganya kugira ngo ahabwe sitati y'ubuhunzi.

[8] Nyuma y'izo mpaka, harasuzumwa ikibazo cyo kumenya niba Uwajeneza Solange yari yujuje ibyo amategeko ateganya kugira ngo ahabwe sitsti y'ubuhunzi, Urukiko Rukuru, Urugereko rwa Nyanza rukabyirengagiza.

II. ISESENGURA RY'IKIBAZO KIGIZE URUBANZA

1. Kumenya niba Uwajeneza Solange yari yujuje ibyo amategeko ateganya kugira ngo ahabwe sitati y'ubuhunzi, Urukiko Rukuru, Urugereko rwa Nyanza rukkabyirengagiza

[9] Uwajeneza Solange n'umwunganira basobanura ko yari atuye muri quartier ya Bwiza muri Rutshuru, mu mwaka wa 2017 habera ubwicanyi ariko butageze kuri buri nzu kubera ko ababukoraga bagendaga bagira izo basimbuka, bagira ubwoba bahungira Kicanga, bakomeza gutegereza ko umutekano wagaruka mu Bwiza babona ntugarutse, bajya ahitwa Kabaragasha bamarayo amezi abiri (2), naho barahava bajya ahitwa Bujebesi bamarayo amezi ane (4), ko bageze aho hantu bagakodesha imirima n'uwitwa Hamuri maze bahingamo ibirayi, bibaye imishoro haza uwitwa Maguge n'abandi bantu basarura bya birayi babirangiza mu mirima, ko igihe cyageze hakaza abantu barimo kwandika Abanyarwanda bashaka gusubira mu Rwanda, nabo barabeshya babiyandikishamo bagamije gukiza ubuzima bwabo bwari mu kaga, ko mu kuza mu Rwanda baruhukiye mu nkambi ya Kijote, uwandikaga abari muri iyo nkambi ababaza ibice by'igihugu batahamo, ageze kuri Uwajeneza Solange n'umuryango we, bamubwira ko ntaho bafite bataha mu Rwanda, ko ahubwo biyandikishije mu Banyarwanda batahutse kugira ngo barengere ubuzima bwabo, ahubwo basabye ko bandikwa mu nkambi z'Abanyekongo, ko mu gihe bari bategereje ko bahabwa ibyangombwa by'ubuhunzi, MINEMA iba ibohereje kuba mu nkambi ya Mugombwa, ko baje kwegera Komite ishinzwe gutanga ubuhunzi, basobanura inzira banyuzemo kugira ngo bagere mu nkambi iyo komite ntiyanyurwa, basabye MINEMA kubafasha gusubira iwabo muri Congo, ibabwira ko itabasubiza mu rupfu kandi arirwo baje bahunga, ahubwo ibafasha kuregera Urukiko Rukuru, Urugereko rwa Nyanza, narwo rurabahakanira.

[10] Uwajeneza Solange n'umwunganira bakomeza bavuga ko mu Rwanda hari Itegeko ryo mu mwaka wa 2014 riteganya uburyo bwo gusaba ubuhunzi n'inzira zigomba kubahirizwa, ko inkambi ya Mugombwa yabayeho kuva mu mwaka wa 2013, abandi bayibagamo bakaba barageze mu Rwanda mu mwaka wa 1996 bahunze mu kivunge, bo bakaba barahawe sitati y'ubuhunzi bidasabye ko banyura mu nzira nk'izo Uwajeneza Solange agomba kunyuramo kubera ko we ataje mu kivunge (Basobanuye ko mu nzira zigomba kubahirizwa harimo kwerekana icyangombwa cy'urwego rw'abinjira n'abasohoka (*immigration*) ushaka ubuhunzi yinjiriyeho- kwandikira Komite y'igihugu ishinzwe gutanga ubuhunzi kugira ngo ikwemerere sitati y'ubuhunzi- gutakambira MINEMA mu gihe Komite yaguhakaniye- Kuregera Urukiko mu gihe binaniranye), kandi ko Uwajeneza Solange yinjiye mu Rwanda ku giti ye, ahinjira nta nkambi ihari ndetse nta n'intambara iri kubera iwabo izwi mu buryo bweruye.

[11] Ku birebana n'ibyo banenga urubanza rwajuririwe, Uwajeneza Solange n'umwunganira bavuga ko kuba Urukiko Rukuru, Urugereko rwa Nyanza rwaravuze ko atashoboye kwerekana indangamuntu igaragaza ko ari Umunyekongo ahubwo akerekana ikarita y'itora, basanga rutarasobanukiwe neza ko abaturage ba Repubulika Iharanira Demokarasi ya Congo badatunga indangamuntu, ahubwo batunga amakarita y'itora kandi ko binabaye ngombwa, uru Rukiko rwazikorera ubushakashatsi rukamenya koko ko nta ndangamuntu zitangwa muri Congo. Bavuga ko kuba Urukiko Rukuru, Urugereko rwa Nyanza rwaravuze ko Uwajeneza Solange yarumenyesheje ko yaturutse mu gace ka Kishishe na Bambo atari byo, ko Kishishe ari muri Rutchuru, ahubwo we akaba yaraturutse i Gicanga muri Masisi, kandi ko gufatira ikarita y'itora i Goma bitavuze ko ariho atuye, ahubwo ko yayifatiye i Goma kugira ngo naramuka aje mu Rwanda ajye yoroherezwa kwambuka umupaka.

[12] Bavuga kandi ko kuba Uwajeneza n'umuryango we bataraje mu kivunge, bitaba impamvu yo kudahabwa sitati y'ubuhunzi kubera ko mu gihe hari ibibazo by'umutekano abantu batabifata kimwe, bamwe bakaba bashobora guhunga kubera ubwoba, abandi ntibahunge, ingingo ya 7 y'Itegeko ryerekeye impunzi mu Rwanda ikaba iteganya impamvu zituma umuntu ahabwa sitati y'ubuhunzi ndetse ko kuva mu mwaka wa 1996, Abatutsi bo muri Kivu y'Amajyaruguru batigeze bagira umutekano, ibibazo by'itotezwa n'ubwicanyi byakorewe i Kicanga bikaba byarabaye mu mwaka wa 2017 na mbere yaho, ko ubwicanyi bwakorewe i Kishishe bwo bwakozwe mu mwaka wa 2022 koko.

[13] Bavuga ko mu kwemerera Uwajeneza Solange sitati y'ubuhunzi, Urukiko rwagombye kuba rwararebye uko politiki y'igihugu yaturutsemo ihagaze, rwasanga ihagaze nabi rukareba niba byagira ingaruka ku buzima bwe bwite, rukareba kandi niba itotezwa rikorerwa aho hantu rimureba n'umuryango we. Bavuga ko bashyize muri dosiye inyandiko y'Ishami ry'Umuryango w'Abibumbye ryita ku mpunzi igaragaza ko muri Kivu y'Amajyaruguru hari umutekano muke, inyandiko ivuga ku bimenyetso by'ingenzi bikoreshwa mu gusaba sitati y'ubuhunzi, ikaba igaragaza ko usaba iyo sitati adashobora kugaragaza urugero rw'ubwoba yari afite igihe yahungaga aho yari asanzwe atuye, ko ahubwo inzego zibishinzwe zikwiye kureba niba ibyaberaga aho hantu, buri wese yabigirira ubwoba.

[14] Bavuga kandi ko inyandiko z'abahanga mu mategeko basobanura ko ibimenyetso bikoreshwa mu gusaba sitati y'ubuhunzi bitandukanye n'ibikoreshwa mu zindi manza kuko bigoye kubona abatangabuhamya bo guhamya uko ibintu byari byifashe, kugera aho ibyo bikorwa byaberaga n'ibindi bimenyetso byakwifashishwa kandi ko mu mategeko mpuzamahanga yerekeye impunzi, ateganya ko nta gihugu gikwiye gusubiza impunzi mu gihugu yaturutsemo kandi nta mutekano uhari, usaba guhabwa sitati y'ubuhunzi adasabwa gutanga ibimenyetso by'uko ibivugwa byabayeho, ko ahubwo usuzuma ubusabe akwiye kwibaza niba ibyo usaba avuga bishobora kubaho, bityo ko Urukiko Rukuru, Urugereko rwa Nyanza rutari rukwiye gusaba ibimenyetso nk'ibyo mu manza zisanzwe kuko atari ko bikwiye gukorwa.

[15] Uwajeneza Solange n'umwunganira basoza bavuga ko kuba aho Uwajeneza Solange yari atuye hakiri intambara, ubwicanyi no kutubahiriza uburenganzira bwa muntu, Leta ya Congo ikaba

itarashoboye kumurinda agahitamo guhungira mu Rwanda, yujuje ibisabwa kugira ngo ahabwe sitati y'ubuhunzi.

UKO URUKIKO RUBIBONA

[16] Ingingo ya 7 y'Itegeko Nº13 ter/2014 ryo ku wa 21/05/2014 ryerekeye impunzi iteganya ko kugira ngo umuntu yemererwe ubuhungiro hashingirwa ku bikurikira:

> 1ºgutinya gutotezwa kubera ubwoko bwe, idini rye, ubwenegihugu bwe, itsinda ry'abantu arimo, umuryango akomokamo cyangwa ibitekerezo bye binyuranyije n'imiyoborere y'igihugu abereye umwenegihugu, bityo kubera gutinya ntabe yashobora kwitabaza icyo gihugu ngo kimurinde;
>
> 2ºkujya gushaka ubuhungiro hanze y'igihugu akomokamo cyangwa abereye umwenegihugu kubera ko igitero cyagabwemo, igihugu kigaruriwe cyangwa gitegekwa n'abanyamahanga cyangwa se kubera izindi mpamvu zikomeye zahungabanyije umutekano wacyo, cyangwa mu karere kamwe kacyo[1].

[17] Iyi ngingo y'Itegeko yumvikanisha ko mu gihe umuntu yahunze igihugu cye yari asanzwe atuyemo, ashobora gusaba ubuhungiro mu gihugu barimo akaba yabuhabwa mu gihe bigaragaye ko koko iyo aguma aho hantu ubuzima bwe bwashyirwa mu kaga bitewe n'impamvu zinyuranye zishingirwaho atotezwa.

[18] Muri uru rubanza, Uwajeneza Solange yasobanuriye Urukiko ko aho yari atuye habaye umutekano muke watewe n'udutsiko dutandukanye aho abatugize bazaga kubuza umutekano Abatutsi bari batuye aho bavuga ururimi rw'ikinyarwanda, akaba yarakomeje kwihangana ndetse agenda yimukira mu tundi duce twitwaga ko turimo umutekano naho bikagenda bihinduka, bigeze aho kwihangana biranga niko kwisunga Abanyarwanda bari muri Kongo bifuzaga kugaruka mu Rwanda azana nabo ariko mu by'ukuri we atari Umunyarwanda.

[19] Dosiye y'urubanza irimo ikarita y'itora (*carte d'électeur)* ya Bajeneza Solange yatangiwe muri Repubulika Iharanira Demokarasi ya Congo, ikaba igaragaza ko abarizwa ahitwa Tyazo-Bujovuka-Karisimbi-Umujyi wa Goma-muri Kivu y'Amajyaruguru, afite inkomoko ahitwa Bushali-Masisi-Kivu y'Amajyaruguru. Hari kandi inyandiko yatanzwe n'ubuyobozi bwa serivisi zishinzwe abinjira n'abasohoka yo ku wa 13/12/2018, iha Uwajeneza Solange uburenganzira bwo kuba mu Rwanda by'agateganyo nk'impunzi, ikaba igaragaza ko afite ubwenegihugu bwa Congo kandi ko ari kumwe n'abana be harimo uwitwa Uwase Cynthia, Uwamahoro Sagesse na Agaciro Henriette.

[20] Inyandiko yanditswe n'Ishami ry'Umuryango w'Abibumbye ryita ku Mpunzi (UNHCR) irebana n'icyo ritekereza ku gusubira muri Kivu y'Amajyaruguru, Kivu y'Amajyepfo, Ituri no mu nkengero zaho yise "*Position on returns to North Kivu, South Kivu, Ituri and adjacent areas update III*[2]". Mu gika cya 8 cy'iyo raporo, igaragaza ko MONUSCO yatangaje ko muri Kivu y'Amajyaruguru hariyo imitwe yitwaje intwaro harimo Mai Mai, Nyatura na Nduma défense du Congo Rénové, mu mwaka wa 2021 Nyatura ikaba yaragize uruhare rukomeye mu guhungabanya uburenganzira bwa muntu mu bice

---

[1] Ibiteganywa n'iri Tegeko binateganywa n'ingingo ya 33, iigika cya mbere y'Amasezerano Mpuzamahanga yerekeye impunzi yo ku wa 28/07/1951 u Rwanda rwashyizeho umukono ku wa 22/10/1979, aho abuza za Leta kwirukana cyangwa gusubiza inyuma impunzi yambutse imipaka y'ibihugu yabonaga ko ubuzima bwe bushobora kujya mu kaga bitewe n'ubwoko bwe, idini rye, ubwenegihugu bwe, itsinda ry'abantu arimo cyangwa ibitekerezo bya politiki (*Aucun des Etats contractants n'expulsera ou ne refoulera, de quelque maniēre que ce soit, un réfugiésur les frontiēres des territoires oū sa vie ou sa liberté serait menace en raison de sa race, de sa religion, de sa nationalité, de son appurtenance ā un certain groupe social ou de ses opinions politiques*).

[2] UNHCR, UNHCR Position on returns to North Kivu, South Kivu, Ituri and Adjacent Areas in the Democratic Republic of Congo Affecting by Ongoing Conflict and Violence-Update III, November 2022.

inzego z'ubuyobozi zananiwe gucungira umutekano cyangwa zitanabamo[3] (*Other militias continue to operate in North Kivu, including Mai Mai groups, Nyatura factions and Nduma défense du Congo-Rénové (NDC-R). According to MONUSCO, during 2021 Nyatura factions were responsible for the majority of recorded human rights violations in North Kivu, additionally, Nyatura groups, the NCD-R and other armed groups acted as de facto authorities in some places where state administration was weak or absent*).

[21] Mu gika cya 28, UNHCR itangaza ko ikurikije uko ibona umutekano uhagaze, ihame ry'igihugu kigendera ku mategeko n'uburyo uburenganzira bwa muntu bwubahirizwa muri Kivu y'Amajyaruguru, Kivu y'Amajyepfo, Ituri no mu nkengero z'aho, isanga nta gihugu cyakiriye abaturage b'izo Ntara gikwiye kubahatira gusubira iyo baturutse mu gihe cyose umutekano n'iyubahirizwa ry'uburenganzira bwa muntu bitaragaruka mu buryo bugaragara ngo babe batahuka mu mudendezo, ahubwo bakeneye kwitabwaho n'umuryango mpuzamahanga (*The security, rule of law and human rights situation in North Kivu, South Kivu, and Ituri challenges the feasibility of safe and gignified return for any person originating from these provinces and adjacent areas, whether or not the individual is found to be in need of international protection. UNHCR urges States not to forcibly return to the DRC persons originating from these areas until the security and human rights situation has improved sufficiently to permit a safe and dignified return of those determined not to be in need of international protection*).

[22] Urukiko rw'Ubujurire rukurikije ibisobanuro Uwajeneza Solange yatanze n'uburyo yabitanzemo, rurasanga byumvikanisha neza ko mu gihe yahitagamo kuza mu Rwanda mu mwaka wa 2018, agace yari asanzwe abamo muri Repubulika iharanira Demokarasi ya Congo karimo umutekano muke, abagize imitwe yitwaje intwaro bawutezaga bakaba baribasiraga itsinda ry'Abatutsi bavuga ururimi rw'ikinyarwanda, ikibazo cy'umutekano muke kandi kugeza ubu kikaba kitarabonerwa igisubizo kirambye nk'uko byagaragajwe n'inyandiko ya UNHCR yavuzwe haruguru.

[23] Urukiko rw'Ubujurire rurasanga ikibazo cy'umutekano muke n'ihohoterwa ry'uburenganzira bwa muntu byabereye mu gace Uwajeneza Solange yari atuyemo, byari bihagije kugira ngo bimutere ubwoba maze arebe uko ajya gushaka aho yaba hadashyira ubuzima bwe mu kaga, ibihe nk'ibyo bikaba bidasaba ko Urukiko rumuhatira kugaragaza ikimenyetso cy'ubwoba, cyane ko ubwoba ari ikintu kidafatika cyangwa ngo kibe cyagaragazwa mu bundi buryo.

[24] Kubera izo mpamvu, Urukiko rurasanga Uwajeneza Solange n'abana be bakwiye guhabwa sitati y'ubuhunzi nk'uko babyifuza.

III. ICYEMEZO CY'URUKIKO

[25] Rwemeje ko ubujurire bwa Uwajeneza Solange, bufite ishingiro.

[26] Rwemeje ko urubanza RAD 00003/2023/HC/NYZ rwaciwe n'Urukiko Rukuru, Urugereko rwa Nyanza ku wa 15/12/2023, ruhindutse.

[27] Rwemeje ko inzego zibifite mu nshingano ziha Uwajeneza Solange n'abana be ari bo Uwase Cynthia, Uwamahoro Sagesse, Agaciro Henriette na Akoguteta Jesca sitati yo kuba impunzi mu Rwanda.

[28] Rutegetse ko inzego zibifite mu nshingano ziha Uwajeneza Solange n'abana be ari bo Uwase Cynthia, Uwamahoro Sagesse, Agaciro Henriette na Akoguteta Jesca sitati y'ubuhunzi.

---

[3] Idem, p.6.

[29] Ruvuze ko amafaranga y'ingwate y'amagarama Uwajeneza Solange yatanze ajurira, ahwanye n'ibyakozwe mu rubanza.