PEREZIDA PAUL KAGAME AGOMBA GUKURIKIRANWAHO BYIHUSE ICYAHA CYO KWICA ITEGEKO NSHINGA NKANA KANDI BIKOMEYE.

Nyakubahwa Perezida w'Inteko Ishinga Amategeko, umutwe w'Abasenateri,

Nyakubahwa Perezida w'Inteko Ishinga Amategeko umutwe w'Abadepite,

Banyakubahwa Basenateri,

Banyakubahwa Ntumwa za Rubanda;

Ishyaka ISHEMA ry'u Rwanda (Ishema Party) ribandikiye ribasaba gukurikiza icyo Itegeko Nshinga n'andi mategeko biteganya maze Perezida Paul Kagame agatabwa muri yombi agashyikirizwa inkiko, akaburanishwa ku cyaha cyo **KWICA NKANA KANDI BIKOMEYE ITEGEKO NSHINGA**.

Banyakubawa,

Tariki ya 01 Nyakanga 2015 twabandikiye tubasaba ko Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ritahindurwa ku bw'inyungu z'umuntu umwe ku giti cye ari we Perezida Paul Kagame.

Tukaba tuboneyeho umwanya wo kubashimira byimazeyo ko mwumvishije ubutumwa bukomeye bwari bukubiye muri iyo baruwa twabagejejeho kandi mukabuha agaciro maze mugakumira ko Itegeko Nshinga ryadoderwa umuntu umwe wishakira imyanya no gupfira ku butegetsi yirengagije inyungu rusange z'igihugu n'abenegihugu bose.

Turabashimira ko n'ubwo mutabashije kuburizamo ihindagurika rya hato na hato ry'Itegeko Nshinga ry'u Rwanda ryatowe mu 2003, ariko nibura byagaragaye mu Itegeko Nshinga mwavuguruye mu 2015 ko uburenganzira Perezida Paul Kagame yifuzaga mwabumwimye maze akabwiha ku gitugu, bikamuviramo **kwica nkana kandi bikomeye Itegeko Nshinga rya Repubulika y'u Rwanda** kuko na n'ubu rigikumira uwo ariwe wese na Perezida Paul Kagame arimo kuba yategeka manda zirenze ebyiri nk'uko ingingo ya 101 y'iryo tegeko ibiteganya.

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Nyamara binyuze mu ndahiro ikomeye Perezida wa Repubulika akora, ni we wari ushinzwe kurinda no kubahiriza Itegeko Nshinga nk'uko ribiteganya mu ngingo zaryo za 98 igika cya 2; n'ingingo ya 102 igika cya 1 agace ka 2. Icyiza ni uko rinateganya ko naramuka arenze kuri iyo ndahiro ikomeye akaryica bikomeye kandi nkana azabihanirwa n'amategeko. (Soma Itegeko Nshinga, ingingo ya 102 igika cya 3).

I. PEREZIDA PAUL KAGAME YIHAYE MANDA Y'IMYAKA IRINDWI (7) KU BW'IGITUGU NTABWO ARI KU BW'ITEGEKO-NSHINGA.

1. Reka tubanze twibutse abanyarwanda uko uwo mushinga wari uteye cyane cyane mu ngingo yawo ya 167 yasabiraga Perezida Paul Kagame kongera kwiyamamaza:

"Perezida wa Repubulika uri ku buyobozi mu gihe iri Tegeko Nshinga rivuguruye ritangira gukurikizwa akomeza manda yatorewe.

Ibiteganywa mu ngingo ya 101 y'iri Tegeko Nshinga rivuguruye bitangira gukurikizwa nyuma ya manda y'imyaka irindwi (7), itangira nyuma yisozwa rya manda ivugwa mu gika cya mbere cy'iyi ngingo

Hitawe ku busabe bw'abanyarwanda bwabaye mbere y'uko iri tegeko-nshinga rivuguruye ritangira gukurikizwa, bushingiye ku bimaze kugerwaho mu kubaka u Rwanda no kubaka umusingi w'iterambere rirambye, Perezida wa repubulika urangije manda ivugwa mu gika cya mbere cy'iyingingo ashobora kongera gutorerwa manda y'imyaka irindwi (7).

Perezida wa Repubulika ushoje manda y'imyaka irindwi (7) ivugwa mu gika cya gatatu (3) cyiyi ngingo ashobora gutorwa nkuko biteganywa mu ngingo ya 101."

2. Iyo iyi ngingo tumaze kuvuga yemezwa nk'uko yari imeze muri uyu mushinga, Paul Kagame aba yarafashe indi manda y'imyaka 7 nibura mu buryo bukurikije Itegeko Nshinga ndetse akaba afite n'uburenganzira bwo kongera kwiyamamariza izindi manda 2 z'imyaka 5.

Nyamara si ko byagenze, ahubwo nk'uko Ingingo ya 94 igika cya 2 ibiteganya: "*Iyo umushinga w'itegeko utemewe na Sena cyangwa iyo ubugororangingo Sena yawukozeho butemewe n'Umutwe w'Abadepite, hashyirwaho Komisiyo ihuriweho n'Imitwe yombi y'Inteko Ishinga Amategeko igizwe n'umubare ungana w'Abadepite n'Abasenateri, igatanga umwanzuro ku ngingo zikomeje kugibwaho impaka.*"

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3. Byarangiye rero mwebwe mugize Inteko Ishinga Amategeko imitwe yombi ***(Abadepite n'Abasenateri***) mwanze ubwo busabe bukubiye mu ngingo ya 167 y'uwo mushinga w'Itegeko Nshinga. Maze mutanga umwanzuro wanyu mu ngingo ya 172 ari na yo mwatoye ikandikwa mu Itegeko Nshinga rya Repubulika y'u Rwanda tugenderaho kugeza ubu. Iyo ngingo ikaba yanditswe mu buryo bukurira:

"Perezida wa Repubulika uri ku buyobozi mu gihe iri Tegeko Nshinga rivuguruye ritangira gukurikizwa akomeza manda yatorewe.

Hatabangamiwe ibiteganywa mu ngingo ya 101 y'iri Tegeko Nshinga, hitawe ku busabe bw'Abanyarwanda bwabaye mbere y'uko iri Tegeko Nshinga rivuguruye ritangira gukurikizwa, bushingiye ku bibazo byihariye u Rwanda rwasigiwe n'amateka mabi rwanyuzemo n'inzira igihugu cyafashe yo kuyivanamo, ibimaze kugerwaho no kubaka umusingi w'iterambere rirambye; hashyizweho manda imwe y'imyaka irindwi (7) ikurikira isozwa rya manda ivugwa mu gika cya mbere cy'iyi ngingo.

Ibiteganywa mu ngingo ya 101 y' iri Tegeko Nshinga bitangira gukurikizwa nyuma ya manda y'imyaka irindwi (7) ivugwa mu gika cya kabiri (2) cy'iyi ngingo."

4. Nk'uko yanditse rero, iyi ngingo ya 172 irasobanutse neza cyane. Biragaragara ko nta rengayobora abashingamategeko mwagaruyemo ryemererera Perezida wari uriho kongera kwiyamamariza manda y'imyaka 7 ivugwamo nk'uko ryari ryashyizwemo mbere mu mushinga wayo. **Iyi ikaba ari impamvu ya mbere igaragaza ko mwamaganye bidasubirwaho amerwe ya Paul KAGAME yo kwiyamamariza manda ya 3.**

II. ITEGEKO NSHINGA NA N'UBU RIKUMIRA UMUNTU WESE KUBA YATEGEKA MANDA ZIRENZE EBYIRI (2)

Banyakubahwa,

5. Nk'uko mubizi Itegeko Nshinga riteganya mu ngingo ya 101 ko « **Perezida wa Repubulika atorerwa manda y'imyaka itanu (5). Ashobora kongera gutorerwa indi manda imwe ».** Bivuze ko n'ubwo iyi ngingo yahinduwe maze manda ivugwamo igakurwa ku myaka irindwi (7) igashyirwa kuri itanu (5) ariko abashingamategeko mwahisemo gutsimbarara ku ihame rya manda ebyiri (2) ntarengwa ku mukuru w'igihugu.

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6. Kuba Abashingamategeko mwari muzi ko Paul Kagame yamaze gufata manda ebyiri (2), maze mugahitamo gutsimbarara kuri iryo hame rya manda ntarengwa **ni impamvu ya kabiri igaragaza ko mwanze bidasubirwaho umushinga wa Kagame wo kwiyamamariza manda ya 3.**

   Koko rero, byarashobokaga cyane ko n'ubwo mwanze ibikubiye mu ngingo ya 167 y'umushinga w'Itegeko Nshinga yahaga amahirwe Perezida ucyuye igihe, iyo muba mugambiriye kumurekera aya mahirwe mu bundi buryo mwashoboraga kwandika iyi ngingo mudatsimbaraye kuri iri hame rya manda ebyiri (2), ahubwo mugakuraho umubare wa manda, bityo Perezida akaba ashobora gutorerwa manda zirenze ebyiri, cyangwa se mukavugamo umubare wa manda urenze izo perezida Paul Kagame yari amaze ku butegetsi.

7. Impamvu imwe rukumbi mwahawe ngo iyi ngingo ya 101 y'Itegeko Nshinga ihindurwe harimo ngo "**ubusabe bw'abaturage".** Ariko mu by'ukuri uko kubeshyera umuturage, hagamijwe kwihesha ikuzo n'imyanya ni bwo busobanuro **bw'igitugu**. Ahubwo umuturage akaba ari inzirakarengane ihindurwamo igikoresho kuko si we wanze kwibonera abategetsi b'igihugu cye basimburwa mu mahoro nibura rimwe mu buzima amahoro agahinda.

   Icy'ingenzi hano ariko ni uko nk'Intumwa za Rubanda mwahabaye mugafasha umunyagitugu kumva ko: Ibyo umuturage yisabiye byose atariko abihabwa iteka, mwanya w'ibihesha ikuzo n'imyanya umunyagitugu. Muri macye, mu kubasubiza haba hagomba gusuzumwa inyungu rusange mbere na mbere ndetse n'icyo amategeko ateganya. Kuba ibyo byose mwarabyitayeho rero nkuko tumaze kubibona, **iyi ni indi mpamvu ikomeye igaragaza ko mudashyigiye ko mu Rwanda habaho umuntu uri hejuru y'amategeko n'inzego z'igihugu.** Ibi bikaba biduhamiriza ko uwo muntu aramutse anabayeho mushobora gukora ibiri mu bushobozi bwanyu**, uwo muntu agashyikirizwa ubutabera bugakora akazi kabwo.**

III. PEREZIDA PAUL KAGAME AFITE UMUGAMBI WO GUTOROKA UBUTABERA

Nyakubahwa Perezida w'Inteko Ishinga Amategeko, umutwe w'Abasenateri,

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Nyakubahwa Perezida w'Inteko Ishinga Amategeko umutwe w'Abadepite,

Banyakubahwa Basenateri,

Banyakubahwa Ntumwa za Rubanda;

8. Turabamenyesha ko Perezida Paul Kagame afite umugambi mubisha wo kwitwikira umwanya arimo maze agakoresha inzego z'igihugu n'amategeko yacyo mu kwikingira ikibaba ngo adakurikiranwa n'inkiko kuri iki cyaha yakoze. Ibi tukaba tubishingira ku mpamvu eshatu (3) zikomeye:

(a) Mu gihe yaba adakurikiranwe n'inkiko akiri perezida, Paul KAGAME yamaze kunoza umugambi wo gutoroka ubutabera. Koko rero, ahandi hose ku isi, Perezida wa Repubulika agira ubudahangarwa bumurinda gukurikiranwa igihe akiri mu mirimo ye, abenshi mu Banyarwanda batekereza ko no mu Rwanda ari uko bimeze, nyamara si byo. Itegeko Nshinga mu ngingo ya 114 riteganya ko "***Uwahoze ari Perezida wa Repubulika adashobora gukurikiranwaho icyaha cyo kugambanira Igihugu cyangwa cyo kwica bikomeye kandi nkana Itegeko Nshinga, igihe aba atarabikurikiranyweho akiri ku mirimo ye***."

(b) Nyamara kandi itegeko riteganya ibyaha n'ibihano muri rusange ntaho ryateganije icyaha cyo "***kwica bikomeye kandi nkana Itegeko-Nshinga"*** bityo nta n'aho ryahera riteganya ibihano by'icyo cyaha nyamara ubusanzwe giteganwa n'itegeko risumba ayandi (Itegeko-Nshinga) ndetse kikaba kiri no mu bubasha bw'urukiko rusumba izindi (Urukiko rw'Ikirenga). Ibiri amambu kandi, iri tegeko rigakomeza gutsindagira mu ngingo ya 3, igika cya gatatu ko "**nta cyaha gihanishwa igihano kitari mu itegeko ryatangajwe mbere y'uko gikorwa".** Ibi bivuze ko mutagize icyo mukora hakiri kare, iki cyaha inkiko z'u Rwanda zitabona uko zigihana.

(c) Perezida wa Repubulika ni we kandi usinya bwa nyuma ku Itegeko Nshinga n'Amategeko Ngenga mbere y'uko atangazwa mu igazeti ya Leta. Ibi bivuze rero ko Paul Kagame wasinye iri tegeko mpanabyaha kuwa 30/08/2018 nyuma yo gusinya Itegeko Nshinga kuwa 24/12/2015 ariwe uri inyuma y'uyu mugambi wo kuburizamo ko icyaha cyo **kwica *nkana kandi bikomeye* Itegeko Nshinga** cyakwandikwa mu gitabo cy'amategeko ahana y'u Rwanda kandi ngo kigenerwe n'ibihano bigikwiriye ku muntu wagikoze. Ibi bigahita bivuga ko muramutse murekeye ibintu uko bimeze Perezida Paul Kagame atazigera ahanwa haba akiri mu mirimo ndetse na nyuma yo kuyivamo.

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IV. PEREZIDA PAUL KAGAME NAHITE AKURIKIRANWA HO ICYAHA CYO KWICA ITEGEKO NSHINGA BIKOMEYE KANDI NKANA.

9. Ubusanzwe Umushinjacyaha Mukuru, cyangwa Umushinjacyaha Wungirije, cyangwa bombi ni bo bafite ububasha bwo gukurikirana Perezida wa Repubulika nk'uko biteganwa *n'ingingo ya 105 y'Itegeko Nshinga mu gika cya 3*. Aba bakaba bagomba gutanga ikirego mu rukiko rw'Ikirenga kuko ni rwo rwonyine rufite ububasha bwo kuburanisha mu manza nshinjabyaha ku rwego rwa mbere n'urwa nyuma Perezida wa Repubulika nk'uko biteganywa mu gika cya mbere cy'ingingo ya 67 y'itegeko N°30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko.

10. Ariko mu gihe akiri mu kazi ke, Perezida wa Repubulika ntashobora gukurikiranwa no kuburanishwa ku byaha yakoze, mwe mugize **Inteko Ishinga Amategeko Imitwe yombi iteranye, mutabanje gufata icyemezo cyo kumurega ku bwiganze bwa bibiri bya gatatu (2/3) by'amajwi y'abagize buri Mutwe** nk'uko amategeko abiteganya mu gika cya mbere n'icya kabiri by'ingingo ya 105 y'Itegeko Nshinga, kimwe n'ingingo n'igika cya mbere cy'ingingo ya 68 y'itegeko rigena ububasha bw'inkiko.

Ibyo bivuze ko **uburenganzira n'ububasha bwo kurega Perezida wa Repubulika mu Rukiko rw'Ikirenga** buri mu biganza byanyu binyuze mu nzira zivuzwe haruguru. Mu gihe mutabikora mwaba mutatiye igihugu cyababyaye kandi amateka akazabakurikirana mukabibazwa.

V. KUBERA IBYO BYOSE ISHYAKA ISHEMA RIRASANGA:

1) Mukwiye gutangiza inzira zo gukurikirana mu nkiko perezida Paul Kagame ku cyaha cyo ***kwica bikomeye kandi nkana Itegeko Nshinga***. Bikaba bigomba gukorwa mu buryo bwihuse akiri mu mirimo ye nk'uko ItegekoNshinga ribiteganya. Ni ngombwa kandi ko bikorwa mu maguru mashya hirindwa ko atahirahira kwiyongeza indi manda ya 4 biciye mu matora ateganijwe mu mwaka wa 2024 kuko byaba ari ugukomeza guhonyora bikabije Itegeko Nshinga n'andi mategeko.

2) Mugomba gutora itegeko ridasanzwe rifite imbaraga zo gusubira inyuma **(a special law with retroactive effect)** kugirango hakosorwe amakosa yakozwe hagamijwe gucika ubutabera ku cyaha giteganwa n' Itegeko Nshinga ry'u Rwanda cyo ***kwica bikomeye***

kandi nkana Itegeko Nshinga. *Iki* cyaha cyashyirwa no mu gitabo cy'amategeko ahana kandi kikagenerwa n'ibihano bigikwiriye, kugirango uwagikora wese, ubutabera bubashe kumukurikirana no kumuhana mu buryo bukurikije amategeko.

3) Turasaba Inteko Ishinga Amategeko (imitwe yombi), Urukiko rw'ikirenga n'Ubushinjacyaha Bukuru gufatanya muri iki gikorwa kugirango Perezida Paul Kagame akurikiranweho n'ibindi byaha byose bidasaza yaba yarakoze mbere na nyuma yo kuba perezida kugirango ntihagire umuntu uba hejuru y'amategeko.

4) Inzego z'igihugu, Itegeko Nshinga n'andi mategeko byose bikwiye kubahirizwa hashyirwa imbere inyungu rusange z'abanyarwanda bose. Nk'intumwa za rubanda, mugomba kuba mu ruhande rw'abanyarwanda barengana kugeza barenganuwe, maze ituze, umudendezo, amahoro n'umunezero bigaruke muri Rubanda.

Tubaye tubashimiye.

Harakabaho Inzego z'igihugu zigenga,

Harakabaho ubutabera mu Rwanda.

Mu izina ry'ABATARIPFANA b'ishyaka ISHEMA ry'u Rwanda

Nadine Claire Kasinge

Perezida

Umukandida w'ishyaka ISHEMA mu matora ya Perezida wa Repubulika yo mu mwaka wa 2024.

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