REPUBLIKA Y'U RWANDA

MINISITERI Y'UBUTABERA
P.O. BOX 160 KIGALI

Kigali, 24 Werurwe 2023

ITANGAZO RYA MINISITIRI W'UBUTABERA/INTUMWA NKURU YA LETA

Nyuma y'icyemezo cy'Inama y'abaminisitiri yo ku wa 24/03/2023, hashingiwe kandi ku ngingo ya 228 y'Itegeko rigenga Imiburanishirize y'Imanza Nshinjabyaha, ibihano by'igifungo by'abantu bakurikira bahamwe n'ibyaha bijyanye n'iterabwoba byababariwe n'Iteka rya Perezida wa Repubulika, nyuma yo gusuzuma no kwemera ugusaba imbabazi kwabo:

1. Paul RUSESABAGINA
2. Callixte NSABIMANA (alias "Sankara")

Abandi bantu 18 bahoze ari abarwanyi b'umutwe MRCD-FNL bahamijwe ibyaha mu rubanza rumwe n'abari abayobozi babo Paul RUSESABAGINA na Callixte NSABIMANA nabo bahawe imbabazi hashingiwe ku Ngingo ya 229.

Mu mategeko y'u Rwanda, guhabwa imbabazi z'igihano ntibihanagura icyaha uba warahamijwe n'Inkiko. Umuntu wese ufunguwe igihe yari yarakatiwe kitageze, iyo yongeye gukora icyaha nk'icyo yari yarahamijwe, imbabazi z'igihano yari yarahawe zita agaciro bityo akarangiza igihano yari yarahawe nk'uko byagenwe mu Iteka rya Perezida wa Repubulika.
Ibindi bihano byatanzwe n'Inkiko, nk'indishyi zagenewe abahohotewe, ntabwo birebwa n'ivanwaho ry'ibihano, byo bigomba gushyirwa mu bikorwa. Amabaruwa asaba imbabazi agomba gutangazwa mu nyungu rusange.

Abandi bantu batatu bahamwe n'ibyaha mu madosiye adafitanye isano n'abavuzwe haruguru nabo bahawe imbabazi hashingiwe ku ngingo ya 228. Abo ni:

1. Ronaldo Bill RUTAYISIRE
2. Justin NSENGIYUMVA
3. Ephraim RWAMWENGE

Abandi bantu 358 bari barahamijwe ibyaha bitandukanye nabo bahawe imbabazi rusange hashingiwe ku ngingo ya 229. END

Maitre Gatera Gashabana
Avocat au Barreau du Rwanda
Kigali ,Gasabo District , Kinyinya Sector, Gacuriro Cell, Umucyo Estate no 41
Tel : +250788303744 , kavinc57@yahoo.fr

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Maitre Rudakemwa Jean Felix
Tel : +250788559057, rudfjf@yahoo.fr

KIGALI, 17/10/2022

MINISTRE W' UBUTABERA/INTUMWA
NKURU YA LETA
KIGALI- RWANDA

IMPAMVU : DOSSIER PAUL RUSESABAGINA

BWANA MINISTRE,

Tubisabwe na Bwana Paul Rusesabagina , tunejejwe no kubashikiriza ibaruwa iri ku mugereka wiyingiyi ijyanye n'ubusabe yifuza ko bwazashikirizwa Nyakubahwa Perezida wa Repuburika w'U Rwanda .

Tubaye tubashimiye.

Maitre Gatera Gashabana
Avoka

BARREAU DU RWANDA
GATERA GASHABANA
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Maitre RUDAKEMWA Jean Felix

Avoka

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Hughes Hubbard & Reed

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October 18, 2022

VIA EMAIL

Honorable Dr. Emmanuel Ugirashebuja
Minister of Justice and Attorney General
Republic of Rwanda

Through: Dr. Doris Uwicyeza Picard
Chief Technical Advisor
Ministry of Justice
doris.uwicyezapicard@minijust.gov.rw

Dear Attorney General Ugirashebuja,

I am a Washington D.C. based representative of the family of Paul Rusesabagina, who, as you know, is currently serving a custodial sentence in Nyarugenge Prison.

Earlier today, through what I understand to be the appropriate legal procedure, Mr. Gatera Gashabana, as local counsel for Mr. Rusesabagina, has submitted the enclosed pardon request for President Kagame's consideration. Because this request has been facilitated and supported by Mr. Rusesabagina's family in the United States, we felt it would be useful to submit this courtesy copy to you via electronic means and, at your option, make myself available for any questions or concerns you may have with respect to this request. If Mr. Rusesabagina's family can be helpful in any way to further this request, I hope you will feel most welcome to reach out to me at your convenience.

With my very best regards,

Ryan Fayhee, Partner
Washington, D.C.

CC: Gatera Gashabana

Enclosure

TRANSLATION FROM ENGLISH ORIGINAL

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Tariki ya 18/10/2022

BINYUJIJWE KURI E-MAIL

Nyakubahwa Dr. Emmanuel Ugirashebuja
Minisitiri w'Ubutabera akaba n'Intumwa ya Leta
Repubulika y'u Rwanda

Biciye : Dr. Doris Uwicyeza Picard
Umujyanama Mukuru mu bya tekiniki
Minisiteri y'Ubutabera
doris.uwicyezapicard@minijust.gov.rw

Bwana Intumwa ya Leta Ugirashebuja,

Nunganira Umuryango wa Paul Rusesabagina, nk'uko mubizi, afungiye muri gereza ya Nyarugenge aho arangiriza igihano cy'igifungo, nkaba nkorera i Washington D.C.

Nasobanuriwe ko, nk'uko biteganywa n'amategeko, bwana Gatera Gashabana, wunganira bwana Rusesabagina mu Rwanda, yatanze ubusabe bw'imbabazi buri ku mugereka w'iyi baruwa, ngo busuzumwe n'Umukuru w'Igihugu. Kubera ko ubusabe bwagizwemo uruhare bukanashyigikirwa n'umuryango wa Rusesabagina uba muri Leta Zunze Ubumwe za Amerika, mu rwego rw'imikoranire myiza, twasanze ari ngombwa kubagezaho iyi nyandiko mu buryo bw'ikoranabuhanga, mwazasanga ari ngombwa, nkaba niteguye gusubiza ibibazo byose cyangwa se ingingingimira mwazagira ku birebana n'ubwo busabe. Nimusanga kandi hari ikindi, icyaricyo cyose umuryango wa Rusesabagina ushobora kuba wakora kugira ngo ubusabe bwe bujye mbere, ndizera ko mutazazuyaza kukitubaza.

Tubashimiye uko mubyakiriye,
Sé

Ryan Fayhee, Partner
Washington D.C.

Bimenyeshejwe: Gatera Gashabana

Umugereka

CONFIDENTIAL

Paul Rusesabagina
C/O Nyarugenge Prison
Nyarugenge, Rwanda

October 14, 2022

S/C Director of Nyarugenge Prison

Sf A. UWAYEZU

RWANDA CORRECTIONAL SERVICE - NYARUGENGE PRISON

President Paul Kagame
Village Urugwiro
53 KG 7 Avenue
Kigali, Rwanda

Your Excellency,

I am writing to humbly request a pardon so that I may return to my family in the United States. There are many reasons I cite in favor of this request, the most predominant of which is my advanced age and a number of chronic maladies that unfortunately will persist for the remainder of my life.

I wish to express my regret for any connection my work with the MRCD may have had to violent actions taken by the FLN. First, to be clear, I do not condone violence. Violence is never acceptable, including the use of violence to achieve political aims. Violence as a political tool is plainly wrong and more grievously so when used to target civilians. I abhor any violence committed against civilians, whether by FLN or other groups, which I have and will continue to publicly condemn. The loss of a single human life is always deeply regrettable.

As a former head of the MRCD, I regret not taking more care to ensure that members of the MRCD coalition fully adhered to the principles of non-violence in which I fully and deeply believe, and have always ascribed. I extend my heartfelt sorrow for any pain FLN's actions have caused to victims and their families.

If I am granted a pardon and released, I understand fully that I will spend the remainder of my days in the United States in quiet reflection. I can assure you through this letter that I hold no personal or political ambitions otherwise. I will leave questions regarding Rwandan politics behind me.

Moving forward, I know you will focus on securing a peaceful future for all Rwandans. I hope all Rwandans can find peaceful ways to overcome national disagreements and bring Rwandans together through the power of words.

I am also hopeful that my release can be one small gesture to further these aims. And, so, Your Excellency, I ask you to grant me this pardon on humanitarian grounds so that I may move on from here to be with my family as I spend the remainder of my days as a husband, father and grandfather, as you carry on for a hopeful future for the people of Rwanda.

Paul Rusesabagina

TRANSLATION FROM ENGLISH ORIGINAL

Paul Rusesabagina
Gereza ya Nyarugenge
Nyarugenge, Rwanda

Tariki ya 14/10/2022

Umukuru w'Igihugu Paul Kagame
Village Urugwiro
53 KG 7 Avenue
Kigali, Rwanda

Binyujijwe: Umuyobozi wa Gereza ya Nyarugenge

Nyakubahwa,

Mbandikiye nicishije bugufi nsaba imbabazi ngo bityo, nzashobore gusanga umuryango wanjye muri Leta Zunze Ubumwe za Amerika. Hari impamvu nyinshi nshingiraho ubu busabe, iz'ingenzi zikaba ari izabukuru ngezemo ndetse n'indwara zidakira mfite nzabana nazo ubuzima bwose.

Ndifuza kwicuza ibikorwa by'ihohohotera byakozwe na FLN bishingiye ku kazi nakoranye na MRCD. Mbere na mbere, byumvikane neza, ntabwo nihanganira ihohotera. Nta na rimwe ihohotera rigomba kwemerwa, n'igihe rikoreshejwe mu nyungu za politiki. Ihohotera nk'igikoresho cya politiki si iryo kwihanganira cyane iyo rikoreshejwe mu guhohotera abasivili. Sinemera ihohotera iryo ariryo ryose rikorewe abasivili, ryaba rikozwe na FLN cyangwa undi mutwe uwo ariwo wose, nzakomeza kuryamagana ku mugaragaro. Kubura ubuzima n'iyo bwaba ubw'umuntu umwe, buri gihe bitera intimba itagira ukwo ingana.

Nk'uwahoze ayobora MRCD, ndicuza kuba ntaritaye bihagije ku kuba abagize ihuririro rya MRCD barangwa n'imyumvire nk'iyanjye nkomeyeho kandi nashyize imbere igihe cyose, itihanganira ihohotera. Mbabajwe cyane n'ibikorwa FLN yakoreye abahohotewe n'imiryango yabo, bikabatera agahinda gakomeye.

Ndamutse mpawe imbabazi nkafungurwa, ndabyumva ko nzamara ubuzima bwanjye busigaye ntuje kandi ntuye muri Leta Zunze Ubumwe za Amerika. Binyuze muri iyi baruwa, mbemereye ko nta yindi migambi iyo ari yo yose cyangwa iya politique mfite. Ibibazo birebana na politiki y'u Rwanda nzatandukana nabyo ubudasubira.

Mu bihe bizaza, nzi ko muzibanda ku kizatuma ahazaza h'Abanyarwanda bose hazaba hatekanye. Nizeye ko Abanyarwanda bazabasha gukemura ibyo batumvikanaho mu gihugu cyabo mu buryo buciye mu mahoro cyangwa inzira z'ibiganiro.

Ndizera kandi ko ugufungurwa kwanjye kuzagira uruhare n'ubwo rwaba ari ruto mu kugera kuri ibi byifizo. Ni yo mpamvu, Nyakubahwa, mbasabye kumpa imbabazi nshingiye ku mpamvu z'ibibazo by'ubuzima bwanjye kugira ngo nsange umuryango wanjye mbane nawo nk'umubyeyi n'abana n'abuzukuru be, mu gihe mukomeje gukora ibishoboka byose ngo Abanyarwanda bagire icyizere cy'imbere heza hazaza.

Paul Rusesabagina

NSABIMANA CALLIXTE ALIAS SANKARA
UFUNGIYE MURI GEREZA YA
NYARUGENGE

Mageragere, Kuwa 13/10/2022

RWANDA CORRECTIONAL SERVICE
NYARUGENGE PRISON

Binyujijwe ku buyobozi
bukuru bw'urwego
rw'Igihugu gishinzwe
Imfungwa n'abagororwa
Kigali

IMPAMVU: Gusaba imbabazi

Nyakubahwa
Perezida wa Repubulika
y'u Rwanda
Kigali

Nyakubahwa Perezida wa Repubulika y'u Rwanda, mushingiye ku biteganywa mu ngingo ya 226 y'itegeko N° 027/2019 ryo kuwa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, iyi ngingo ikaba iteganya impamvu zihagarika irangizwa ry'igihano, impamvu ya mbere ikaba ari imbabazi zitangwa na Perezida wa Repubulika, mushingiye kandi ku biteganywa mu ngingo ya 227 y'iryo tegeko twavuze haruguru, iyi ngingo ikaba iteganya ko Perezida wa Repubulika afite ububasha bwo gutanga imbabazi ku muntu wakatiwe burundu n'urukiko, abisabwe cyangwa abyibwirije, kandi amaze kugisha inama urukiko rw'ikirenga, mu gika cya nyuma cy'iyi ngingo bagasobanura ko imbabazi zitangwa na Perezida wa Repubulika zivanaho ibihano byose cyangwa bimwe uwakatiwe yahawe, cyangwa zikabisimbuza ibindi bihano byoroheje, mushingiye na none ku biteganywa mu ngingo ya 228 y'iryo tegeko twavuze haruguru, iyi ngingo ikaba ivuga ku bisabwa n'imbabazi zitangwa na Perezida wa Repubulika igihe abisabwe n'uwakatiwe igihano, mu gika cya kabiri cy'iyi ngingo nakaba hateganijwe ko gusaba imbabazi bikorwa mu nyandiko yandikirwa Perezida wa Repubulika inyujijwe ku buyobozi bukuru bw'urwego rw'igihugu rushinzwe imfungwa n'abagororwa iyo usaba imbabazi afungiye, bikanyuzwa muri minisitiri ufite urwego mu nshingano ze, Nyakubahwa Perezida wa Repubulika, nejejwe no kubandikira iyi baruwa mbasaba imbabazi kubera ibyaha nakoreye umuryango nyarwanda, byatumye nkatirwa n'urukiko rw'ubujurire igifungo cy'imyaka cumi n'itanu (15 years).

Mu by'ukuri Nyakubahwa Perezida wa Repubulika, nari naratannye, nari narayobye, nishora mu bikorwa bibi bihungabanya umutekano w'igihugu cy'u Rwanda.

Muri make Nyakubahwa Perezida wa Repubulika, impamvu nshingiraho nsaba imbabazi ni izi zikurikira:

1° Impamvu ya mbere ishingiye ko kuva nafatwa taliki 13/04/2019, nabwiye cooperative n'inzego zose z'ubutabera nditse n'izindi nzego zose zishinzwe umutekano w'igihugu. Sinigeze ndahanya na gato kugeza uyu munsi sinahwemye kugaragaza imyitwarire myiza. Ibyo nari nshoboye gutanga byose narabitanze. Natanze amakuru yose nari mfite kandi nabikoze ku bushake bwanjye nta gahato nashyizweho n'umuntu uwo ariwe wese;

2° Impamvu ya kabiri, ishingiye kuba imbere y'inzego zitandukanye z'ubutabera nemeye ibyaha byose naregwaga mu buryo budashidikanywaho ari nabyo urukiko rw'ubujurire rwashingiyeho rungabanyiriza ibihano. Hejuru yo kwemera ibyaha byose naregwaga, naperetseho kwicuza, no gusaba imbabazi mu rukiko mbwebwe Nyakubahwa Perezida wa Repubulika, nasabye imbabazi kandi abanyarwanda bose, by'umwihariko nasabye imbabazi abantu bose bagizweho ingaruka n'ibitero byagabwe n'abarwanyi ba FLN nari imbereye umuvugizi;

…RECTIONAL SERVICE - NYARUGENGE PRISON

3º Impamvu ya gatatu nshingiraho nsaba imbabazi, ni uko nitandukanije burundu n'umutwe wa RRM nari mbereye Umuyobozi mukuru, nitandukanije kandi na MRCD nari mbereye Umuyobozi mukuru wa kabiri wungirije ndetse nitandukanije n'umutwe w'abarwanyi wa FLN nari mbereye Umuvugizi;

CORRECTIONAL SERVICE - NYARUGENGE PRISON

4º Indi mpamvu ya kane nifuza kubagaragariza, ishingiye ku budasa bwa Leta muyobora. Kuva 1994 muvuhagarika jenoside yakorewe abatutsi, imbabazi nizo mwashyize imbere kuruta kuhosera. Uko kureba kure kwanyu, nibyo byatumye u Rwanda rutera intambwe rugezeho mu bumwe n'ubwiyunge. Abo mumaze guha imbabazi kugeza ubu nk'umukuru w'igihugu, ni benshi cyane! Nyakubahwa nanjye ndifuza kuba umwe muri abo banyarwanda mbabarirwe.

Nyakubahwa Perezida wa Repubulika, amateka ashariye ya jenoside yakorewe abatutsi 1994, yansize ndi impfubyi mfite imyaka 12. Ayo mateka yakurikiyeho ingaruka mu mikorere yanjye ari nabyo Kayumba Nyamwasa na Patrick Karegeya bashingiyeho banyangisha Leta y'u Rwanda.

Nyakubahwa Perezida wa Repubulika, sinigeze nkorera Leta muyobora, sinigeze mba mu nkotanyi, ntaho ahandi hantu twigeze duhurira ngo mbe navuga ngo hari ikibi mwankoreye, ahubwo nabayeho kuva 1994 mbafata nk'umucunguzi wacu nk'abarokotse jenoside yakorewe abatutsi 1994, kugeza 2013 igihe nahuraga na Kayumba na Karegeya bakanyinjizamo, ingengisho [illegible]

Bukansaba no Kwamamaza
Izo nyigisho zabo.

Izi nyigisho mbi zabo, zatumye
Zatumye nishora mu bikorwa
bibi bihungabanya umutekano
w'igihugu cy'u Rwanda, nabitse
bikaba byarangije ingaruka mbi
ku banyarwanda.

Nyakubahwa Perezida wa Repubulika,
ubu nicuza bikomeye igihe
cyanjye natoye mu ntambara
zidafite impamvu (Cause),
nkababazwa cyane n'abantu
nashoye muri ibyo bikorwa bibi
benshi bakaba bakibirimo.

Muri macye nabaye nka Sawuli
wahindutse Pawulo. Ubu mbabazwa
cyane no kuba ntashobora
kunyomoza abirirwa ku mbuga
nkoranyambaga baroga urubyiruko
barwigisha ibinyoma nk'ibyo
nanjye bari baranyinjijemo
bikarangira nanjye mbyigisha abandi.
Sinifuza ko hari undi muntu wagwa
mu mutego nk'uwo naguyemo, akaba
ariyo mpamvu mbasaba ko
mwampa amahirwe yo gusubira
mu muryango nyarwanda ngafatanya
n'abandi kubaka igihugu.

5° Impamvu ya nyuma nshingiraho
mbasaba ko muvangira imbabazi,
ni ukugira ngo njye mu muryango
nyarwanda nanjye mbashe
gushinga urugo.

Nyakubahwa Perezida wa Repubulika,
Ingabo z'Inkotanyi muri muyoboye
zaturokoye njyewe na mushiki
wanjye gusa mu muryango w'abantu
icumi. Ibikorwa bibi nishoyemo
byanteye igihombo gikomeye:

Ubu mfite imyaka mirongo ine (40)
Nta mwana, nta mugore,
Nta mutungo, ndamutse nkoze
igihano cyose nakatiwe cy'imyaka
cumi n'itanu nazava muri gereza
mfite imyaka 52, icyo gihe
nzaba nkiri umuzigo ku gihugu,
akaba ariyo mpamvu mbasaba ko
mwampa imbabazi nkagira
amahirwe yo kujya kubaka urugo.

Nyakubahwa Perezida wa Repubulika y'u Rwanda, dusanzwe tuzi ko muri umubyeyi w'abanyarwanda twese kandi ko mudahwema kubabarira abanyabyaha nkanjye, urugero rwa vuba ni abahoze ari abarwanyi ba FDLR twakoranaga barenga (400), kuwa 24/05/2022 (i Mutobo) barababariwe basubizwa mu muryango nyarwanda.

Nyakubahwa Perezida wa Repubulika, nkaba mbizeza ko ninarekurwa mwampaye imbabazi nta zongera narimwe kwishora mu gikorwa icyo aricyo cyose cyahungabanya umutekano w'u Rwanda, cyane cyane ko abo twabifatanyaga baba abantu ku giti cyabo ndetse na bimwe mu bihugu bya mu mahanga twakoranaga ubu twabaye abanzi kubera ko namenye amabanga yabo ku migambi mibi twari dufatanyije mu guhungabanya umutekano w'u Rwanda.

Mu gutegereza igisubizo cyanyu cyiza, mbaye mbashimiye uburyo muri babyeyi Nyakubahwa Perezida wa Repubulika y'u Rwanda.

Bimenyeshejwe:
Bwana Minisitiri
w'ubutabera
Kigali

NSABIMANA Callixte
Alias SANKARA