

**UMURYANGO  
W'ABIBUMBYE**



Urwego Mpuzamahanga Rwashyiriweho Gukora  
Imirimo y'Insigarira y'Inkiko Mpanabyaha

Urubanza N°: MICT-12-23-PT

Itariki: 8 Werurwe 2019

Umwimerere: Icyongereza

**UMUCAMANZA W'IZAMU**

**Umucamanza: Vagn Joensen**

**Gerefiye: Olufemi Elias**

**Itariki: 8 Werurwe 2019**

**POROKIRERI**

**aburana na**

**FULGENCE KAYISHEMA**

***INYANDIKO Y'IBANGA KANDI IFITE ABO ITAGOMBA KUMENYESHWA***

**URWANDIKO RWO GUFATA N'ITEGEKO RYO KWIMURA BIGENEWE IBIHUGU  
BYOSE**

**Ibiro bya Porokireri**

Serge Brammertz

**NJYEWE, VAGN JOENSEN**, Umucamanza w'Urwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y'Insigarira y'Inkiko Mpanabyaha (IRMCT) nkaba n'Umucamanza w'izamu ku ishami rya IRMCT ry'Arusha nk'uko biteganywa n'Ingingo ya 12(2) ya Sitati (Sitati)<sup>1</sup>;

**MAZE KUBONA** “Icyifuzo cyihutirwa gisaba ko Urwandiko rwo gufata Uregwa ruhindurwa”, cyatanzwe na Porokireri mu nyandiko y'ibanga kandi ifite abo itagomba kumenyeshwa, ku itariki ya 7 Werurwe 2019 (“Icyifuzo”), aho asaba ko Urwandiko rwo gufata Fulgence KAYISHEMA ruhindurwa kugira ngo rusabe ko ahita afatwa akohererezwa IRMCT aho koherezwa muri Repubulika y'u Rwanda<sup>2</sup>;

**MAZE KUBONA** Inyandiko y'ibirego yakorewe Fulgence KAYISHEMA, yemejwe ku itariki ya 4 Nyakanga 2001 n'Umucamanza Lloyd G. Williams w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda (“Inyandiko y'ibirego”);

**NIBUTSA** “Urwandiko rwo gufata Uregwa n'Itegeko ryo kumwohereza muri Repubulika y'u Rwanda bigenewe ibihugu byose” natanze, nk'Umucamanza umwe rukumbi wa IRMCT, ku itariki ya 7 Gicurasi 2014 (“Urwandiko rwo gufata n'Itegeko ryo kwimura byo ku itariki ya 7 Gicurasi 2014”);

**NSHINGIYE** ku Ngingo za 1, 12(2), 18(2), 19, 28(1) na (2) za Sitati n'iza 28, 54, 55 na 57-61 z'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso (“Amategeko”);

**MVANYEHO** Urwandiko rwo gufata Fulgence KAYISHEMA n'Itegeko ryo kumwohereza mu Rwanda byo ku itariki ya 7 Gicurasi 2014; kandi

**NSABYE** ibihugu byose bigize Umuryango w'Abibumbye gukorana umwete kandi bikihutira:

- i. **GUSHAKISHA, GUFATA NO KOHEREZA** ku Ishami rya IRMCT ry'Arusha Fulgence KAYISHEMA, Umunyarwanda wavukiye muri Komine ya Kivumu, Perefegitura ya Kibuye, mu Rwanda, mu mwaka wa 1961, uregwa kuba, mu mwaka wa 1994, yarakoreye mu Rwanda ibyaha bikurikira: jenocide, ubwumvikane bugamije gukora jenocide, kuba icyitso cy'abakoze jenocide (iki cyaha akakiryozwa icya jenocide kiramutse kitamuhanye) n'ibyaha byibasiye inyokomuntu (itsembatsemba);

<sup>1</sup> Reba Itegeko rihindura Itegeko ryo ku itariki ya 4 Mutarama 2016 rishyiraho Umucamanza w'izamu, urubanza N° MICT-12-01, 24 Mutarama 2019, paje ya 1.

<sup>2</sup> Icyifuzo, ibika 1, 5.

- ii. **GUHA** Fulgence KAYISHEMA, ako kanya akimara gufatwa cyangwa vuba bishoboka nyuma y'ifatwa rye, mu rurimi yumva, kopi y'uru Rwandiko rwo kumufata, byemejwe ko ihuye n'umwimerere, iherekejwe na kopi y'Inyandiko y'ibirego byemejwe ko ihuye n'umwimerere, nk'uko biteganywa n'Ingingo ya 48(G) n'ya 57(C) z'Amategeko, hamwe n'inyandiko ivugwamo uburenganzira bw'Uregwa buteganywa n'Ingingo ya 19 ya Sitati, n'Ingingo 40 n'ya 41 z'Amategeko;
- iii. **KUMENYESHA** Fulgence KAYISHEMA, ako kanya akimara gufatwa cyangwa vuba bishoboka nyuma y'ifatwa rye, mu rurimi yumva, ko agiye koherezwa ku Ishami rya IRMCT ry'Arusha;
- iv. **GUSABA** Fulgence KAYISHEMA **KWEMEZA** ko yakiriye, mu rurimi yumva, kopi y'Urwandiko rwo kumufata, iy'Inyandiko y'ibirego n'iy'inyandiko ivugwamo uburenganzira bwe no gusubiza Ibiro bya Porokireri wa IRMCT ("Ibiro bya Porokireri") umufungo w'izo nyandiko na gihamya ko Fulgence KAYISHEMA yazihawe;
- v. **GUSAKA NO GUFATIRA** ibimenyetso byose bifatika byerekeranye n'ibyaha Fulgence KAYISHEMA aregwa;
- vi. **GUKORA** irisite y'ibimenyetso byose byafatiriwe, birimo inyandiko, ibitabo, impapuro cyangwa ibindi bintu, ibyo bigakorwa Fulgence KAYISHEMA abireba ndetse akabyemeza;
- vii. **KOHEREREZA** Ibiro bya Porokireri ibimenyetso byose byafatiriwe hamwe n'irisite yabyo;
- viii. **KUMENYESHA** Gerefiye wa IRMCT ("Gerefiye") na Porokireri wa IRMCT ko Fulgence KAYISHEMA yafashwe, kugira ngo hategurwe uko yoherezwa, bidatinze, ku Ishami rya IRMCT ry'Arusha;
- ix. **KUMENYESHA** bidatinze Gerefiye na Porokireri igihe bidashoboye gukora ibisabwa muri uru Rwandiko rwo gufata Fulgence KAYISHEMA cyangwa mu Itegeko ryo kumwohereza kuri IRMCT, kandi bikavuga impamvu zatumye bidashoboka; no
- x. **GUKORA IPEREREZA** rigamije kumenya niba Fulgence KAYISHEMA afite imitungo muri icyo gihugu arimo, yaba ayifite hagafatwa ingamba z'agateganyo zo kuyifatira, bitabangamiye uburenganzira bw'abandi bantu bayifiteho uruhare.

Bikozwe mu cyongereza no mu gifaranza ariko inyandiko yo mu cyongereza ni yo igenderwaho.

Bikozwe uyu muni, tariki ya 8 Werurwe 2019,  
Arusha, muri Tanzaniya

[Umukono]  
Vagn Joensen  
Umucamanza w'izamu

**[Kashe y'Urukiko]**