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dated 28 August 2025 (RPN D209-D208)

UMURYANGO W'ABIBUMBYE

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

Urubanza N°:	MICT-12-23-R14.1
Itariki:	22 Kanama 2025
Umwimerere:	Icyongereza

PEREZIDA WA IRMCT

Umucamanza:	**Graciela Gatti Santana, Perezida**
Gerefiye:	**Abubacarr M.Tambadou**
Itariki:	**22 Kanama 2025**

POROKIRERI

aburana na

FULGENCE KAYISHEMA

INYANDIKO Y'IBANGA

ICYEMEZO GISHYIRAHO URUGEREKO RWA MBERE RW'IREMEZO KUGIRA NGO RUSUZUME ICYIFUZO CYA FULGENCE KAYISHEMA GISABA KO ITEGEKO RYIMURIRA URUBANZA MURI REPUBULIKA Y'U RWANDA RIVANWAHO

Ibiro bya Porokireri

Serge Brammertz

Laurel Baig

Abavoka bunganira Fulgence Kayishema

Philippe Larochelle

Kate Gibson

NJYEWE, GRACIELA GATTI SANTANA, Perezida w'Urwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y'Insigarira y'Inkiko Mpanabyaha ("Perezida" na "IRMCT", uko bikurikirana);

MAZE KUBONA KO, ku itariki ya 22 Gashyantare 2012, Urugereko rwa Mbere rw'Iremezo rw'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda ("TPIR") rwimuriye urubanza rwa Fulgence Kayishema ("Kayishema") muri Repubulika y'u Rwanda ("U Rwanda") kugira ngo ruburanishwe n'Urukiko Rukuru rw'u Rwanda[1];

MAZE KUBONA KO, ku itariki ya 26 Nzeri 2019, Urugereko rwa Mbere rw'Iremezo rwa IRMCT rwanze Icyifuzo cy'Ibiro bya Porokireri wa IRMCT cyasabaga ko Icyemezo cyimurira urubanza mu Rwanda kivanwaho, bitabujije ko cyakongera gutangwa nyuma[2];

MAZE KUBONA KO, ku itariki ya 24 Gicurasi 2023, Kayishema yafatiwe muri Repubulika y'Afurika y'Epfo, akaba ari ho akiri mu gihe agitegereje kohererezwa IRMCT hagamijwe ko ahita yoherezwa mu Rwanda[3];

MAZE KUBONA Icyifuzo cy'ibanga cyatanzwe ku itariki ya 14 Kanama 2025, aho Kayishema asaba ko itegeko ryimurira urubanza rwe mu Rwanda rivanwaho akanasaba ko nshyiraho, hashingiwe ku Ngingo ya 14(C) y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso ("Amategeko"), Urugereko rwa Mbere rw'Iremezo kugira ngo rusuzume icyo Cyifuzo[4];

MAZE KUBONA ibyo Kayishema avuga ko ibyashingiweho kugira ngo urubanza rwe rwimurirwe mu Rwanda bitacyuzuye, kubera ko: (i) hari ibyago byinshi ko ashyikirijwe Reta y'u Rwanda ashobora kwicwa cyangwa agaterwa ububabare ku mubiri[5]; (ii) ubucamanza bw'u Rwanda butigenga kandi bubogamye ku byerekeranye n'urubanza rwe[6]; (iii) nta kimwizeza ko uburenganzira afite bwo kwiregura buzubahirizwa uko bikwiye[7]; kandi (iv) uburenganzira afite bwo guhamagaza

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[1] *Urubanza Porokireri aburana na Fulgence Kayishema*, Nº ICTR-01-67-R11*bis*, Icyemezo ku Cyifuzo cya Porokireri gisaba ko urubanza rwimurirwa muri Repubulika y'u Rwanda, 22 Gashyantare 2012 ("Icyemezo cyimurira urubanza mu Rwanda"), igika cya 162, paje ya 44.
[2] Reba *Urubanza Porokireri aburana na Fulgence Kayishema*, Nº MICT-12-23-PT, Icyemezo ku Cyifuzo cyihutirwa gisaba ko itegeko ryimurira urubanza mu Rwanda rivanwaho kikanasaba ko Urwandiko rwo gufata ruhindurwa, 26 Nzeri 2019, ibika 9, 12.
[3] *Urubanza Porokireri aburana na Fulgence Kayishema*, Nº MICT-12-23-PT, Icyemezo ku Cyifuzo cya Fulgence Kayishema gisaba ko inyandiko zimenyekanishwa kikanasaba ko izindi zihindurirwa urwego rw'umutekano, 28 Kamena 2024, paje 2, 4.
[4] Icyifuzo gisaba ko itegeko ryimurira urubanza mu Rwanda rivanwaho, 14 Kanama 2025 (Inyandiko y'ibanga) ("Icyifuzo gisaba ko itegeko ryimurira urubanza mu Rwanda rivanwaho"), ibika 2, 41.
[5] Icyifuzo, ibika 29-31.
[6] Icyifuzo, ibika 32-33.
[7] Icyifuzo, ibika 34-35.

Byasemuwe kandi byemezwa na LSS/IRMCT

abatangabuhamya no kubabaza ibibazo bubangamiwe no kuba bishoboka ko abatangabuhamya bamushinjura batazitaba urukiko[8];

MAZE KUBONA KO urubanza rwa Kayishema, TPIR yimuriye mu Rwanda, rutaratangira kuburanishwa;

NSHINGIYE KU Ngingo ya 14(C) y'Amategeko iteganya ko, mbere y'uko urukiko rw'igihugu rucira uregwa urubanza rumuhamya icyaha cyangwa rukimuhanaguraho, Perezida afite ububasha busesuye bwo gushyiraho Urugereko rwa Mbere rw'Iremezo kugira ngo rusuzume, hashingiwe ku Ngingo ya 6(6) ya Sitati ya IRMCT ("Sitati"), niba ari ngombwa kuvanaho itegeko ryimurira urubanza mu gihugu runaka maze rugasaba, binyuze mu nzira zateganyijwe, urukiko rw'icyo gihugu kwikura urwo rubanza;

MAZE KUBONA KO, hakurikijwe uko ibintu bimeze, bikwiye ko nshyiraho Urugereko rwa Mbere rw'Iremezo kugira ngo rusuzume icyo Cyifuzo gisaba ko itegeko ryimurira urubanza mu Rwanda rivanwaho, hashingiwe ku Ngingo ya 6(6) ya Sitati;

KUBERA IMPAMVU ZIMAZE KUVUGWA,

NSHINGIYE KU Ngingo ya 6(6) n'iya 12(1) za Sitati no ku Ngingo ya 14(C) y'Amategeko;

NSHYIZEHO Urugereko rwa Mbere rw'Iremezo rugizwe n'Abacamanza bakurikira, kugira ngo rusuzume icyo Cyifuzo gisaba ko itegeko ryimurira urubanza mu Rwanda rivanwaho:

Vagn Joensen, Perezida

Claudia Hoefer

Fatimata Sanou Touré

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

Bikozwe uyu munsi, tariki ya 22 Kanama 2025,
Arusha, muri Tanzaniya.

[Umukono]

Graciela Gatti Santana
Perezida

[Kashe ya IRMCT]

[8] Icyifuzo, ibika 36-37.

Byasemuwe kandi byemezwa na LSS/IRMCT