UMURYANGO W'ABIBUMBYE

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

Urubanza Nº: MICT-12-23-AR14.1

Itariki: 25 Ugushyingo 2025

Umwimerere: Icyongereza

PEREZIDA WA IRMCT

Umucamanza: **Graciela Gatti Santana, Perezida**

Gerefiye: **Abubacarr M.Tambadou**

Itariki: **25 Ugushyingo 2025**

POROKIRERI

aburana na

FULGENCE KAYISHEMA

INYANDIKO ITARI IBANGA

ICYEMEZO CYEREKERANYE N'INYANDIKO Y'UBUJURIRE Y'UBWUNGANIZI KU "CYEMEZO KU CYIFUZO CYA FULGENCE KAYISHEMA GISABA KO ITEGEKO RYIMURIRA URUBANZA MURI REPUBULIKA Y'U RWANDA RIVANWAHO N'IGISABA GUHABWA AVOKA"

Ibiro bya Porokireri

Serge Brammertz

Laurel Baig

Abavoka bunganira Fulgence Kayishema

Philippe Larochelle

Kate Gibson

Byasemuwe kandi byemezwa na LSS/IRMCT

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 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 24 Gicurasi 2023, Kayishema yafatiwe muri Repubulika y'Afurika y'Epfo, akaba ari ho akiri mu gihe agitegereje koherereza IRMCT hagamijwe ko ahita yoherezwa mu Rwanda[2];

MAZE KUBONA KO, ku itariki ya 14 Kanama 2025, Kayishema yatanze Icyifuzo cy'ibanga, asaba ko itegeko ryimurira urubanza rwe mu Rwanda rivanwaho[3];

NIBUTSA KO, ku itariki ya 22 Kanama 2025, nashyizeho 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 ya IRMCT[4];

MAZE KUBONA KO, ku itariki ya 2 Nzeri 2025, Kayishema yatanze ikindi Cyifuzo gisaba Urugereko rwa Mbere rw'Iremezo gutegeka Gerefiye wa IRMCT ("Gerefiye") kumuha avoka mu rwego rwa gahunda y'ubufasha mu by'amategeko, ya IRMCT, kugira ngo amwunganire ku byerekeranye n'Icyifuzo gisaba ko itegeko ryimurira urubanza rwe mu Rwanda rivanwaho[5];

MAZE KUBONA KO, ku itariki ya 29 Ukwakira 2025, Urugereko Rwa Mbere rw'Iremezo rwanze kuri bimwe Icyifuzo gisaba ko itegeko ryimurira urubanza mu Rwanda rivanwaho ku byerekeranye n'impamvu eshatu muri enye zatanzwe, ruzakomeza gukurikirana ibyerekeranye n'icyo Cyifuzo ku

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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] *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.

[3] 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. Inyandiko itari ibanga yakuwemo ibigomba kugirwa ibanga yatanzwe ku itariki ya 26 Kanama 2025.

[4] 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, 22 Kanama 2025 (Inyandiko y'ibanga), paje ya 2.

[5] Icyifuzo cy'Ubwunganizi gisaba guhabwa avoka, 2 Nzeri 2025 ("Icyifuzo gisaba guhabwa avoka"), ibika 1, 28. Reba n'Igisubizo cya Porokireri ku Cyifuzo cya Kayishema gisaba guhabwa avoka, 11 Nzeri 2025.

Byasemuwe kandi byemezwa na LSS/IRMCT

byerekeranye n'impamvu ya kane, kandi rwanze Icyifuzo gisaba guhabwa avoka, cyose uko cyakabaye[6];

MAZE KUBONA Inyandiko y'ubujurire ya Kayishema ku Cyemezo kirwanywa, aho asaba ko Urugereko rw'Ubujurire: (1) ruvanaho Icyemezo kirwanywa; (ii) rutegeka Gerefiye kumuha avoka kuko biri mu nyungu z'ubutabera, kugira ngo amwunganire mu mirimo yerekeranye n'Icyifuzo gisaba ko itegeko ryo kwimurira urubanza mu Rwanda rivanwaho; no (iii) kuvanaho itegeko ryimurira urubanza mu Rwanda, ibyo byaramuka bitemewe, rukagarurira Urugereko rwa Mbere rw'Iremezo Icyifuzo gisaba ko itegeko ryimurira urubanza mu Rwanda rivanwaho, kugira ngo rugisubiremo[7];

MAZE KUBONA Icyifuzo cya Porokireri gisaba ko Inyandiko y'ubujurire itakirwa[8];

MAZE KUBONA KO Urugereko rwa Mbere rw'Iremezo ruzakomeza gukurikirana ibyerekeranye n'Icyifuzo gisaba ko itegeko ryimurira urubanza mu Rwanda rivanwaho, kandi ko gushyiraho inteko y'Abacamanza bagize Urugereko rw'Ubujurire kugira ngo ikemure ibibazo ibyo ari byo byose byagaragajwe mu Nyandiko y'ubujurire, mbere y'uko Urugereko rwa Mbere rw'Iremezo rufata icyemezo cya nyuma kuri icyo kibazo, bitari ngombwa mu rwego rwo kubungabunga uburenganzira bwa Kayishema[9], byatuma umutungo n'igihe by'Urukiko bikoreshwa mu buryo butari ngombwa, kandi bikaba bitari mu nyungu z'ubutabera;

MAZE KUBONA KO Inyandiko y'ubujurire itagaragaza impamvu yashingirwaho hashyirwaho inteko y'Urugereko rw'Ubujurire;

KUBERA IMPAMVU ZIMAZE KUVUGWA,

NANZE gushyiraho inteko y'Urugereko rw'Ubujurire kugira ngo isuzume Inyandiko y'ubujurire; kandi

NTEGETSE Kayishema kuzatanga inyandiko y'ubujurire, nabyifuza, Urugereko rwa Mbere rw'Iremezo nirumara gufata icyemezo cya nyuma ku Cyifuzo cye gisaba ko itegeko ryimurira urubanza mu Rwanda rivanwaho.

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[6] Icyemezo ku Cyifuzo cya Fulgence Kayishema gisaba ko itegeko ryimurira urubanza muri Repubulika y'u Rwanda rivanwaho n'igisaba guhabwa avoka, 29 Ukwakira 2025 ("Icyemezo kirwanywa"), paje 8-9.

[7] Inyandiko y'ubujurire y'Ubwunganizi ku "Cyemezo ku Cyifuzo cya Fulgence Kayishema gisaba ko itegeko ryimurira urubanza muri Repubulika y'u Rwanda rivanwaho n'igisaba guhabwa avoka, 13 Ugushyingo 2025 ("Inyandiko y'ubujurire"), paje 5, 6. Reba n'Inyandiko y'ubujurire, ibika 9-20.

[8] Icyifuzo cya Porokireri gisaba ko Inyandiko y'ubujurire ya Kayishema itakirwa, 19 Ugushyingo 2025, ibika 1-4.

[9] Kayishema ashobora kuzakenera kujurira Urugereko rwa Mbere rw'Iremezo nirumara gufata icyemezo cya nyuma kuri icyo kibazo.

Byasemuwe kandi byemezwa na LSS/IRMCT

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

Bikozwe uyu munsi, tariki ya 25 Ukwakira 2025,

Arusha, muri Tanzaniya.

[Umukono]

Graciela Gatti Santana

Perezida

[Kashe ya IRMCT]