UMURYANGO W'ABIBUMBYE

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

Urubanza N^{o}:	MICT-12-23-AR14.2
Itariki:	10 Gashyantare 2026
Umwimerere:	Icyongereza

URUGEREKO RW'UBUJURIRE

Umucamanza:	**Graciela Gatti Santana, Perezida**
Gerefiye:	**Abubacarr M. Tambadou**
Itariki:	**10 Gashyantare 2026**

POROKIRERI

aburana na

FULGENCE KAYISHEMA

INYANDIKO ITARI IBANGA

ICYEMEZO CYO KWIVANA MU NTEKO

Ibiro bya Porokireri

Serge Brammertz

Laurel Baig

Abavoka bunganira Fulgence Kayishema

Philippe Larochelle

Kate Gibson

NJYEWE, GRACIELA GATTI SANTANA, Umucamanza w'Urwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y'Insigarira y'Inkiko Mpanabyaha ("IRMCT") nkaba na Perezida muri uru rubanza[1];

MAZE KUBONA KO, ku itariki ya 22 Gashyantare 2012, Urugereko rwa Mbere rw'Iremezo rw'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda rwohereje urubanza rwa Kayishema ("Kayishema' n'"urubanza rwa Kayishema", uko bikurikirana) abayobozi bo muri Repubulika y'u Rwanda ("U Rwanda") kugira ngo ruburanishwe n'Urukiko Rukuru rw'icyo Gihugu[2];

MAZE KUBONA KO, ku itariki ya 29 Ukwakira 2025, Urugereko rwa Mbere rw'Iremezo rwa IRMCT rwashyizweho mu rubanza rwa Kayishema rwatanze Icyemezo cyanze ibintu birimo impamvu eshatu muri enye Kayishema yatanze ashyigikira Icyifuzo cye gisaba ko Icyemezo cyimurira urubanza rwe mu Rwanda kivanwaho kandi ko, ku itariki ya 24 Ukuboza 2025, nanone urwo Rugereko rwanze impamvu ya kane yatanzwe na Kayishema[3];

NIBUTSA KO, ku itariki ya 15 Mutarama 2026, nka Perezida wa IRMCT, nashyizeho inteko y'Urugereko rw'Ubujurire, nkaba n'umwe mu bagize iyo nteko kandi nkayibera Perezida hashingiwe ku Ngingo ya 12(3) ya Sitati ya IRMCT ("Sitati"), kugira ngo isuzume Inyandiko y'ubujurire[4];

MAZE KUBONA KO, ku itariki ya 2 Gashyantare 2026, Kayishema yatanze Icyifuzo gisaba ko nivana muri urwo Rugereko rw'Ubujurire kandi ngashyiraho undi Mucamanza hashingiwe ku Ngingo ya 24(B) y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso ya IRMCT ("Amategeko") cyangwa, ibyo byaramuka bidashobotse, ngashinga icyo kibazo Umucamanza urusha bagenzi be uburambe ku kazi mu rwego rwo gukora ibiteganywa n'Ingingo ya 18(B)(iv) n'iya 22(B)

[1] Itegeko rishyiraho Abacamanza bagize inteko y'Urugereko rw'Ubujurire, 15 Mutarama 2026 ("Itegeko ryo ku itariki ya 15 Mutarama 2026"), paje ya 1.
[2] *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.
[3] *Urubanza Porokireri aburana na Fulgence Kayishema*, Nº MICT-12-23-R14.1, Icyemezo ku Cyifuzo cya Fulgence Kayishema gisaba ko Icyemezo cyimurira urubanza muri Repubulika y'u Rwanda kivanwaho n'igisaba guhabwa Avoka, 29 Ukwakira 2025, paje ya 9; Ikindi Cyemezo ku Cyifuzo cya Fulgence Kayishema gisaba ko Icyemezo cyimurira urubanza muri Repubulika y'u Rwanda kivanwaho, 24 Ukuboza 2025 ("Icyemezo cyo ku itariki ya 24 Ukuboza 2025"), paje ya 6. Reba Inyandiko y'ubujurire bukomatanyije bw'Ubwunganizi ku Byemezo ku Cyifuzo cyabwo gisaba ko Icyemezo cyimurira urubanza muri Repubulika y'u Rwanda kivanwaho, 8 Mutarama 2026 ("Inyandiko y'ubujurire"). Ku itariki ya 23 Mutarama 2026, Kayishema yatanze Imyanzuro y'ubujurire, yanditse, ye. Reba Imyanzuro y'ubujurire, yanditse, y'Ubwunganizi ku Byemezo ku Cyifuzo gisaba ko Icyemezo cyimurira urubanza mu Rwanda kivanwaho, 23 Mutarama 2026 ("Ubujurire").
[4] Itegeko ryo ku itariki ya 15 Mutarama 2026, paje 1-2.

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z'Amategeko kugira ngo hasuzumwe ibirebana no kuba navanwa muri iyo nteko y'Urugereko rw'Ubujurire[5];

MAZE KUBONA ibyo Kayishema avuga ko: (i) ibyo navuze nka Perezida wa IRMCT mu ijambo nagejeje ku Nama Ishinzwe Amahoro ku Isi y'Umuryango w'Abibumbye, ku itariki ya 12 Kamena 2023, umuntu wabyumva kandi ushyira mu gaciro yakumva bisa n'ibisobanura ko namaze gufata icyemezo ku kibazo cyerekeranye n'ivanwaho ry'Icyemezo cyimurira urubanza rwe mu Rwanda, aho kuba yakumva ko ari incamake, itabogamye, y'imirimo IRMCT irimo gukora n'ibirimo gukorwa byerekeranye n'urubanza rwe; kandi ko (ii) n'ubwo mu gihe navugaga iryo jambo ubujurire bwari butaratangwa, umuntu ushyira mu gaciro yabonaga ko hari hakiriho ikibazo cyo kumenya niba ibyashingiweho kugira ngo urubanza rwe rwimurirwe mu Rwanda bicyujujwe n'icyo kumenya niba Icyemezo cyimurira urwo rubanza rwe mu Rwanda cyavanwaho[6];

MAZE KUBONA ikigenderwaho fatizo gihanitse kugira ngo umuntu avuguruze ihame ryo kuba Abacamanza bafatwa nk'abatabogama kandi ko, mu gihe nta bimenyetso bivuguruza iryo hame bihari, bigomba gufatwa ko Abacamanza "bashobora kwivanamo ibitekerezo byabo bwite ibyo ari byo byose bidafitanye isano n'urubanza cyangwa ibyo bo bumva ko ari byo bikwiye guhabwa agaciro"[7];

MAZE KUBANA KO ijambo ryanjye ryavuzwe mu rwego rwo kugeza ku Nama Ishinzwe Amahoro ku Isi y'Umuryango w'Abibumbye, hashingiwe ku Ngingo ya 32(2) ya Sitati, raporo igaragaza aho imirimo ya IRMCT igeze, harimo n'ibyabaye byerekeranye n'imanza zimuriwe mu Rwanda[8];

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[5] Icyifuzo cy'Ubwunganizi gisaba ko Umucamanza yikura cyangwa avanwa mu nteko y'Urugereko rw'Ubujurire, 2 Gashyantare 2026 ("Icyifuzo"), ibika 1, 11, 13-14, 24-28.

[6] Icyifuzo, ibika 9-10, 12, 16-23.

[7] Nk'urugero, reba *Urubanza Porokireri aburana na Ratko Mladić*, N° IT-09-92-AR73.6 & IT-09-92-AR73.7, Icyemezo ku Cyifuzo cya Ratko Mladić gisaba ko Umucamanza Theodor Meron avanwa mu rubanza, 26 Ukwakira 2016, igika cya 11.

[8] Igice cy'ijambo ryanjye kivugwaho cyanditse muri aya magambo: "Ikindi kintu gikomeye cyabaye ni icyerekeranye n'igenzura ry'imanza eshatu TPIR yimuriye muri Repubulika y'u Rwanda. […] Nshingiye ku maraporo […] abagenzuzi bacu batanze, ndagira ngo nshimire abayobozi b'inzego z'ubutabera zo mu Rwanda ku byo bakoze mu rwego rwo gukora ku buryo amategeko yubahirizwa kandi nashimire Minisiteri y'Ubutabera y'u Rwanda n'Urwego rw'Igihugu rushinzwe imfungwa n'abagororwa kuba izo nzego zaremeye gufatanya na IRMCT no kuba buri gihe uko yaziyambazaga zarayigobokaga nta kuzarira. Ndagira ngo nshime kandi ubunyamwuga bw'abayobozi b'urwego rw'Ubushinjacyaha Bukuru bw'u Rwanda hamwe n'uruhare rufatika Urugaga rw'Abavoka mu Rwanda rwagize mu mirimo yakozwe. IRMCT isanga u Rwanda rurimo kugenda rutera imbere mu byerekeranye n'ubushobozi bwo kuburanisha, mu buryo bunoze kandi buboneye, imanza z'abantu baregwa ibyaha mpuzamahanga, icyo kintu kikaba ari intambwe ishimishije. Bityo rero, IRMCT ifite icyizere ko inzego z'ubutabera zo mu Rwanda zizakorana umurava no mu rubanza rwa Fulgence Kayishema, urubanza tuzakurikiranira hafi iburanisha ryarwo, mu rwego rw'inshingano yacu y'ubugenzuzi iteganywa n'Ingingo ya 6(5) ya Sitati". Reba Inama Ishinzwe Amahoro ku Isi y'Umuryango w'Abibumbye, Inyandikomvugo, ijambo ku rindi, y'ibyavugiwe mu nama ya 9344, 12 Kamena 2023, https://docs.un.org/en/S/PV.9344.

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MAZE KUBONA KO umuntu ushyira mu gaciro wakumva iryo jambo nagejeje ku Nama Ishinzwe Amahoro ku Isi y'Umuryango w'Abibumbye yakumva neza ko ritumvikanisha ko nari naramaze gufata icyemezo ku byerekeranye no kumenya niba, hakurikijwe uko ibintu bizaba byifashe mu gihe kiri imbere, bishobora kuba ngombwa ko Icyemezo cyimurira urubanza rwa Kayishema mu Rwanda kivanwaho, cyane cyane ko navuze, mu buryo bweruye, ku kuba IRMCT izakurikiranira hafi imirimo yerekeranye n'iburanisha ry'urubanza rwa Kayishema;

NSHIMANGIRA KO, nk'umwe mu Bacamanza bagize inteko y'Urugereko rw'Ubujurire, nasuzuma ubwo bujurire nta kubogama;

MAZE KUBONA KO itegeko ryo kohereza Kayishema mu Rwanda kugira ngo abe ari ho aburanishirizwa ritigeze rishyirwa mu bikorwa mu gihe kirenga imyaka ibiri n'igice amaze afashwe kandi ko uko gukererwa kumwohereza mu Rwanda gusa n'ugushingiye, ku ruhande rumwe, ku kuba ubwo bujurire butarafatwaho icyemezo;

MAZE KUBONA KO, hakurikijwe uko ibintu byifashe, iburanisha iryo ari ryo ryose ryerekeranye no kuba nava muri iyo nteko ryatuma habaho gukererwa gufata icyemezo kuri ubwo bujurire kandi ko, kubera iyo mpamvu, hakurikijwe uko ibintu byifashe muri uru rubanza, kwirinda gukomeza gukererwa gufata icyemezo kuri ubwo bujurire ari byo byatuma inyungu z'ubutabera zirengerwa neza kurushaho;

KUBERA IMPAMVU ZIMAZE KUVUGWA,

MFASHE ICYEMEZO cyo **KWIVANA** mu nteko y'Urugereko rw'Ubujurire mu rubanza rwa Kayishema.

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

Bikozwe uyu munsi, tariki ya 10 Gashyantare 2026,
Arusha, muri Tanzaniya.

[**Umukono**]

Graciela Gatti Santana
Perezida

[Kashe ya IRMCT]

Byasemuwe kandi byemezwa na LSS/IRMC