

MICT-12-25-R14.1
26-06-2015
(3 - 1/941ter)

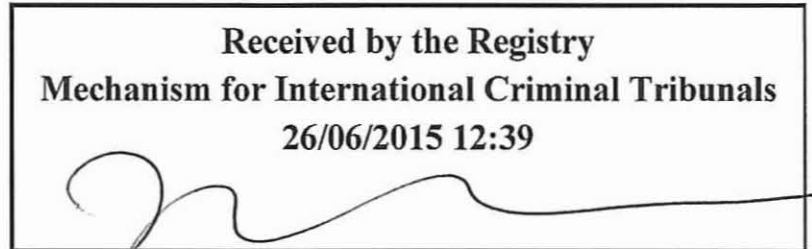


U M U R Y A N G O
W ' A B I B U M B Y E

3/941ter
ZS

URWEGO RWASHYIRIWEHO INKIKO MPANABYAHA MPUZAMAHANGA

Urubanza rwa Jean Uwinkindi
N° MICT-12-25-R14.1



ICYEMEZO

GEREFIYE,

NSHINGIYE kuri Sitati y'Urwego Rwashyiriweho Inkiko Mpanabyaha Mpuzamahanga («Sitati» na «MICT»), nk'uko byemejwe n'Inama Ishinzwe Amahoro ku Isi mu Cyemezo 1966 (2010), by'umwihariko ku ngingo ya 19 ya Sitati;

NSHINGIYE ku Mategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso, nk'uko yemejwe na MICT ku itariki ya 8 Kamena 2012 («Amategeko»), by'umwihariko ingingo yayo ya 42 n'ya 43;

NSHINGIYE ku Mabwiriza yerekeye ishyirwaho ry'abunganizi nk'uko yemejwe na MICT ku itariki ya 14 Ugushyingo 2012 («Amabwiriza»), by'umwihariko ingingo yayo ya 5, 6, 11 n'ya 14;

NSHINGIYE ku Mabwiriza yerekeye imyitwarire ku kazi y'abunganizi baburanira imbere ya MICT;

MAZE KUBONA ko MICT yashyiriweho gukomeza «ifasi, uburenganzira n'inshingano n'imirimo y'ingenzi» y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda («TPIR») n'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho icyahoze ari Yugosilaviya («TPIY»);

MAZE KUBONA icyemezo ku Cyifuzo cya Porokireri gisaba kwimurira urubanza muri Repubulika y'u Rwanda cyo ku itariki ya 28 Kamena 2011, cyafashwe n'Urugereko rwa TPIR rwari rushinzwe gusuzuma ikibazo cyo kwimurira urubanza rwa Uwinkindi N° ICTR-01-75-R11bis;

MAZE KUBONA icyemezo cyo ku itariki ya 16 Ukuboza 2011 ku bujurire bwa Uwinkindi yatanze arwanya icyemezo cyo kwimurira urubanza rwe muri Repubulika y'u Rwanda n'ibyifuzo bijyanye n'ubwo bujurire, cyafashwe n'Urugereko rw'Ubujurire rwa TPIR mu rubanza rwa Uwinkindi N° ICTR-01-75-AR11bis, rushimangira icyemezo cyo kwimurira urwo rubanza muri Repubulika y'u Rwanda;

NSHINGIYE ku ngingo ya 6(6) ya Sitati iteganya ko «Nyuma y'itegeko rya TPIY, TPIR cyangwa MICT ryo kohereza urubanza mu gihugu runaka ariko mbere y'uko urukiko rw'icyo gihugu ruhama uregwa icyaha cyangwa rukakimuhanaguraho, iyo rusanze bigaragara ko urwo rukiko

RM15-0065(K)

22 Kamena 2015

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

rutacyubahiriza ibyasabwe mu cyemezo cyo kwimura urubanza kandi rugasanga biri mu nyungu z'ubutabera, Urugereko rwa Mbere rw'Iremezo rushobora gukuraho icyemezo cyarwo rubyibwirije cyangwa rubisabwe na Porokireri, ariko rumaze guha abategetsi b'igihugu bireba umwanya wo kwisobanura maze rugasaba, binyuze mu nzira zateganyijwe, urukiko rw'icyo gihugu kwikura urwo rubanza» ;

NSHINGIYE ku ngingo ya 14(C) y'Amategeko yemerera Perezida wa MICT kugena, abyibwirije cyangwa abisabwe na Porokireri, Urugereko rwa Mbere rw'Iremezo rusuzuma, hashingiwe ku ngingo ya 6 6) ya Sitati, niba ari ngombwa kvanaho icyemezo cyo kohereza urwo rubanza ahandi no gusaba ku mugaragaro kurwisubiza;

MAZE KUBONA ko, mu Cyemezo cyo ku itariki ya 13 Gicurasi 2015, kirebana n'icyifuzo cyo gukuraho icyemezo cyo kwimurira urubanza rwa Uwinkindi N° MICT-12-25-R14.1 muri Repubulika y'u Rwanda, Perezida wa MICT yashyizeho Urugereko rwa Mbere rw'Iremezo kugira rusuzume niba ari ngombwa kvanaho icyo cyemezo cyo kwimura urubanza;

NSHINGIYE ku ngingo ya 43(A) y'Amategeko, iteganya ko «Igihe cyose biri mu nyungu z'ubutabera, hashyirwaho avoka wo kunganira abakekwaho icyaha cyangwa abaregwa badafite ubushobozi bwo kumwihembera»;

NSHINGIYE ku ngingo ya 6(A) y'Amabwiriza, iteganya ko «ukekwaho icyaha cyangwa uregwa udafite ubushobozi bwo kwihembera avoka afite uburenganzira bwo kumugenerwa na MICT kandi ikamuhemba»;

MAZE KUBONA ko, ku itariki ya 21 Gicurasi 2015, Ibiro bya Gerefiye byamenyesheje Bwana Uwinkindi uburenganzira bwe bwo kunganirwa no kugenerwa avoka na Gerefiye niba adafite ubushobozi bwo kumwihembera;

MAZE KUBONA ko TPIR yageneye Uwinkindi umwunganizi mu iburanisha ryabereye muri TPIR ryabanjirije iyimurwa ry'urubanza rwe;

MAZE KUBONA ko mu gihe TPIR yageneraga Uwinkindi avoka, yafashe umwanzuro ku bushobozi bwe buke kandi nta makuru agaragaza ko ubungubu ubushobozi bwe burebana n'amafaranga bwahindutse;

MAZE KUBONA ko Uwinkindi yamenyesheje Gerefiye ko yifuza ko ari Bwana Gatera Gashabana wamwunganira nka Avoka Mukuru mu iburanisha rizabera imbere ya MICT;

MAZE KUBONA ko Bwana Gashabana yagaragaje ko yiteguye kunganira ukekwa icyaha cyangwa uregwa udafite ubushobozi bwo kumwihembera no gushyirwa ku rutonde rwa MICT rw'abavoka bashobora kunganira abakekwaho icyaha cyangwa abaregwa nk'uko biteganywa mu ngingo ya 43 y'Amategeko («Lisiti ivugwa mu ngingo ya 43»);

MAZE KUBONA ko Bwana Gashabana yatanze inyandiko za ngombwa kugira ngo ashobore gushyirwa kuri lisiti ivugwa mu ngingo ya 43 kandi ko Gerefiye asanga yujuje ibisabwa kugira ngo ashirwe kuri icyo lisiti;

MAZE KUBONA ko nta nzitizi zibuza ko Bwana Gashabana agirwa Avoka Mukuru wunganira Uwinkindi imbere ya MICT;

NEMEJE ko Bwana Gashabana agizwe Avoka Mukuru wunganira Uwinkindi imbere ya MICT, guhera ku itariki iki Cyemezo gishyiriweho umukono.

[umukono]

John Hocking

Gerefiye



[Ikirangantego]

Bikorewe i La Haye, mu Buholandi, ku itariki ya 22 Kamena 2015.