

MICT-13-44
29-04-2014
(17/ter - 12/ter)

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UMURYANGO W'ABIBUMBYE



Urwego rushinzwe kurangiza imirimo y'Inkiko
Mpanabyaha Mpuzamahanga

Urubanza n°: MICT-13-44
Tariki ya 24 Mutarama 2014
Umwimerere: Igifaransa

Imbere ya : Theodor Meron, Perezida
Afashijwe na: John Hocking, Gerefiye

Urubanza rwa Laurent Bucyibaruta, n° MICT-13-44

RAPORO YA GATATU Y'IGENZURA

Laetitia Husson

Umugenzuzi wa MICT mu rubanza rwa Bucyibaruta.

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Anomozaf

1. Iyi raporo nyitanze nk'umugenzuzi washyizweho n'Urwego Rushinzwe Kurangiza Imirimo y'Inkiko Mpanabyaha Mpuzamahanga (« MICT ») mu rubanza Porokireri aburana na Bucyibaruta, rwohererejwe Abayobozi b'Ubufaransa hashingiwe ku Ngingo ya 11 bis y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda (« Amategeko » na « TPIR »). Iyi raporo ivuga ku gihe kiri hagati y'Ukwakira n'Ukuboza 2013.

Intangiriro n'amavu n'amavuko

2. Porokireri wa TPIR yakoreye Bucyibaruta Inyandiko y'ibirego amuregamo jenocide, kuba icyitso cy'abakoze jenocide, guhamagarira abantu mu buryo butaziguye kandi mu ruhame gukora jenocide, n'ibyaha byo gusambanya ku gahato, itsembatsemba n'ubuhotozi nk'ibyaha byibasiye inyokomuntu, byakorewe mu Rwanda mu wa 1994. Iyi Nyandiko y'ibirego yaje kwemezwa n'umucamanza wa TPIR ku itariki ya 17 Kamena 2005¹. Ku itariki ya 12 Kamena 2007, Porokireri yashyikirije Urukiko icyifuzo gisaba ko iyo Nyandiko y'ibirego yakoherezwa inkiko zo mu Bufaransa hashingiwe ku biteganywa n'Ingingo ya 11 bis y'Amategeko ya TPIR².

¹ Urubanza Porokireri aburana na Laurent Bucyibaruta, n° ICTR-2005-85-1, Iyemezwa ry'Inyandiko y'ibirego n'ibindi Byemezo bijyanye na yo, 17 Kamena 2005; Urubanza Porokireri aburana na Laurent Bucyibaruta, n° ICTR-2005-85-I, Inyandiko y'ibirego, 20 Nyakanga 2005 (Yaroreye kuba ibanga ku itariki ya 14 Kamena 2007).

² Iki Cyifuzo cyaje gukosorwa na Porokireri ku itariki ya 27 Kamena 2007. Reba Urubanza Porokireri aburana na Laurent Bucyibaruta, n° ICTR-2005-85-I, icyifuzo cya Porokireri gisaba ko Inyandiko y'ibirego yakorewe Laurent Bucyibaruta yakoherezwa abayobozi b'Ubufaransa,

3. Ku itariki ya 20 Ugushyingo 2007, Urugereko rwa Mbere rw'Iremezo rwabishinzwe rwemeje, hashingiwe ku Ngingo ya 11 bis y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso, ko ibisabwa biteganywa n'yo Mategeko byuzuye, bityo rutegeka ko Urubanza Porokireri aburana na Laurent Bucyibaruta rwohererezwa abayobozi b'Abafaransa, kugira ngo barushyikirize vuba na bwangu urukiko rwo muri icyo gihugu rubifitiye ububasha³.

4. Bucyibaruta yari asanzwe akorwaho iperereza mu Bufaransa kuko umucamanza usuzuma amadosiye mbere y'uko ashyikirizwa inkiko yari amukurikiranye, kuva aho uyu mucamanza yari yaramaze gushyikirizwa ikirego cy'indishyi cyatanzwe mu wa 2000. Bisabwe n'Ubushinjacyaha, dosiye yoherejwe na TPIR yafatanyijwe n'iy'iperereza ryari ryatangiywe mu Bufaransa mu wa 2000. Ubungubu rero, dosiye ya Bucyibaruta mu Bufaransa ikorwaho iperereza rimwe rukumbi. Kuva muri Nzeri 2007, Bucyibaruta yarafunguwe by'agateganyo, ashyirwa mu bugenzurwe.

Igenzura

5. Nagiye mu butumwa bw'igenzura bwa mbere mu rubanza rwa Bucyibaruta muri Kamena no muri Nyakanga 2013, nsubirayo ubwa kabiri muri Nzeri no mu Ukwakira 2013. Raporo z'ubwo butumwa bw'akazi uko ari ebyiri zashyikirijwe Perezida wa MICT, iya mbere ku itariki ya 12 Nyakanga 2013 naho iya kabiri, ku itariki ya 1 Ugushyingo 2013, zishyirwa ku rubuga rwa interineti rwa MICT na

hashingiwe ku biteganywa n'Ingingo ya 11 bis y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso ya TPIR, inyandiko y'ibanga, 27 Kamena 2007.

³ Urubanza Porokireri aburana na Laurent Bucyibaruta, n° ICTR-2005-85-I, icyemezo ku Cyifuzo cya Porokireri gisaba koherereza Inyandiko y'ibirego yakorewe Laurent Bucyibaruta abayobozi b'Ubufaransa, 20 Ugushyingo 2007.

Perezida wa yo, iya mbere ku itariki ya 15 Nyakanga 2013, naho iya kabiri, ku itariki ya 7 Ugushyingo 2013⁴.

6. Nongeye kujya i Paris mu Bufaransa ku itariki ya 9 Mutarama 2014, kubonana n’abakozi b’Ubushinjacyaha bashinzwe dosiye ya Bucyibaruta. Ku itariki ya 10 n’ iya 24 Mutarama 2014, nashoboye kandi kuvugana kuri telefone na Me Akorri, Me Philippart na Me Simon, bahagarariye abarengeye indishyi.

7. Nandikiranye imeri (*email(s), couriel(s)*) n’avoka wa Bucyibaruta, Me Philippe Greciano, ambwira ko « abarebwa n’iyi dosiye bose bafite inshingano yo kubahiriza ko Bwana Perefe agomba gufatwa nk’umwera n’ubwo habaye amahano ya jenocide mu Rwanda ».

8. Abahagarariye mu rwego rw’amategeko Ishyirahamwe mpuzamahanga rirwanya irondakoko n’ivangura ryikoma Abayahudi (*Ligue internationale contre le racisme et l’antisémitisme* (« LICRA ») kimwe n’abahagarariye muri urwo rwego Ishyirahamwe rirengera uburenganzira bwa muntu (*Ligue des droits de l’homme* (« LDH »), baregeye indishyi mu rubanza rwa Bucyibaruta, bakoresheje imeri, bambwiye ko nta kintu cyihariye bamenyesha MICT, ku rwego urubanza ruriho ubu.

Kubonana n’abakozi b’Ubushinjacyaha

9. Nabonanye na Aurélie Devos, Porokireri wungirije akaba n’Umuyobozi w’Icyiciro AC5, (*Section AC5*), Ishami rishinzwe ibyaha byibasiye inyokomuntu n’ibyaha by’intambara, mu Rukiko rwa mbere rw’iremezo rw’i Paris (bita « *pole* »

⁴ Urubanza rwa Laurent Bucyibaruta, n° MICT-13-44, Raporo ya mbere y’igenzura mu rubanza rwa Bucyibaruta yo ku itariki ya 12 Nyakanga 2013, yakiriwe ku itariki ya 15 Nyakanga 2013; Urubanza rwa Laurent Bucyibaruta, n° MICT-13-44, Raporo ya kabiri y’igenzura yo ku itariki ya 1 Ugushyingo 2013, yakiriwe ku itariki ya 7 Ugushyingo 2013.

mu magambo y'igifaransa) na Nicolas Peron, subusititi wa Porokireri ukorana na *pole*, tubonanira mu biro bya *pole* i Paris ku itariki ya 9 Mutarama 2014.

10. Devos yavuze ko abapererezi bagiye mu Rwanda guperereza mu rubanza rwa Bucyibaruta mu rwego rw'itumanaho mu by'iperereza mu ntangiriro z'Ukwakira 2013. Devos na Peron bemeje ko iperereza muri urwo rubanza rishobora kuzapfundikirwa mu ntangiriro za 2015.

Kubonana n'abahagarariye abaregeye indishyi.

Ihuririo mpuzamahanga rirengera uburenganzira bwa muntu(*Fédération internationale des droits de l'homme*)

11. Nagiranye ikiganiro na Me Safya Akorri nk'uhagarariye Ihuririo mpuzamahanga rirengera uburenganzira bwa muntu (« *FIDH* » mu magambo ahinnye y'igifaransa) ku itariki ya 10 Mutarama 2014; iri Huririo rikaba ryararegeye indishyi mu rubanza rwa Bucyibaruta kuva mu wa 2000. Me Akorri yavuze ko afite amakuru macye ku birebana n'aho idosiye igeze, bityo ngo akaba adashobora kugira icyo ayivugaho.

Ihuririo ry'abaregeye indishyi ku ruhande rw'u Rwanda (*Collectif des Parties Civiles pour le Rwanda*)

12. Ku itariki ya 10 Mutarama 2014, nagiranye ikiganiro na Me Domitille Philippart, nk'uhagarariye Ihuririo ry'abaregera indishyi ku ruhande rw'u Rwanda (« *CPCR* » mu magambo ahinnye y'igifaransa)). Iri Huririo ryaregeye indishyi mu rubanza rwa Bucyibaruta kuva muri Gicurasi 2004.⁵ Me Philippart yavuze ko

⁵ CPCR yaregeye indishyi mu iperereza ryatangiyeye, dosiye ya TPIR imaze kwimurwa ku itariki ya 16 Mutarama 2009. Iyi dosiye y'iperereza yaje gufatanywa n'iya mbere yari yatangijwe mu Bufaransa kuri Bucyibaruta.

amaze gusoma dosiye y'iperereza, yasanze iryo perereza rigenda neza, nko mu rwego rw'itumanaho mu by'iperereza rishya no mu rw'ibaza ry'abantu.

Ishyirahamwe « *Survie* »

Ku itariki ya 24 Mutarama 2014, nagiranye ikiganiro na Me Jean Simon, uhagarariye Ishyirahamwe *Survie* ryaregeye indishyi mu rubanza rwa Bucyibaruta. Me Simon yavuze ko nta kibazo cyangwa ikindi kintu cyihariye yavuga kuri iyi dosiye. Yavuze ko asanga umucamanza usuzuma urubanza mbere y'uko rushyikirizwa urukiko yihutisha iperereza, yongera kuvuga ko yifuza ko ryarangira vuba. Yemeje kandi ko ashobora buri gihe, mu bwisanzure, kugera kuri dosiye.

Bikorewe i La haye (mu Buholandi)

Ku wa 24 Mutarama 2014

[Umukono]

Laetitia Husson

Umugenzuzi mu rubanza rwa Bucyibaruta