

UMURYANGO W'ABIBUMBYE

MICT-13-44
10-10-2014
(4 -1/21ter)

4/21ter
JN



Urwego Rwashyiriweho Inkiko Mpanabyaha
Mpuzamahanga

Itariki : 25 Nyakanga 2014

Umwimere : Igifaransa

Umucamanza: Theodor Meron, Perezida

Afashijwe na: John Hocking, Gerefiye

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

RAPORO YA GATANU Y'UBUGENZUZI

Laetitia Husson

Umugenzuzi wa MICT ukurirana urubanza rwa *Bucyibaruta*

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A handwritten signature in black ink, appearing to read 'Laetitia Husson'.

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Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

1. Iyi raporo nyikoze mu rwego rw'umurimo nkora wo gukurikirana, mu izina ry'Urwego Rwashyiriweho Inkiko Mpanabyaha Mpuzamahanga (« MICT »), urubanza rwa Laurent Bucyibaruta rwohererejwe abategetsi b'u Bufaransa 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 irebana n'igihe kiri hagati ya Mata na Kamena 2014.

Intangiriro n'amavu n'amavuko y'urubanza

2. Porokireri wa TPIR yatanze Inyandiko y'ibirego ashinja Bucyibaruta jenocide, ubwumvikane bugamije gukora jenocide, guhamagarira abantu mu buryo butaziguye kandi mu ruhame gukora jenocide, gusambanya ku gahato, itsembatsemba n'ubwicanyi nk'ibyaha byibasiye inyokomuntu, byakorewe mu Rwanda mu wa 1994. Inyandiko y'ibirego yemejwe n'umucamanza wo muri TPIR ku itariki ya 17 Kamena 2005¹. Ku itariki ya 12 Kamena 2007, Porokireri wa TPIR yatanze icyifuzo asaba ko inyandiko y'ibirego yohererezwa ubutabera bw'u Bufaransa hashingiwe ku Ngingo ya 11 bis y'Amategeko ya TPIR².

3. Ku itariki ya 20 Ugushyingo 2007, Urugereko rwa Mbere rw'Iremezo, rwashyizweho hakurikijwe Ingingo ya 11 bis y'Amategeko ya TPIR, rwanzuye ko ibisabwa kugira ngo urubanza rwohererezwe mu kindi gihugu byari byujijwe, bityo rutegeka ko Urubanza rwa Laurent Bucyibaruta rwohererezwa abategetsi b'u Bufaransa, kugira ngo na bo barugeze imbere y'urukiko rw'icyo gihugu rufite ubabasha bwo kuruburanisha³.

4. Bucyibaruta yari asanzwe akorwaho iperereza mu Bufaransa kubera ko umucamanza w'Umufaransa uyoboye iperereza yari yarafashe icyemezo cyo kumukurikirana mu butabera nyuma yo kwakira ikirego cyatanzwe n'abaregeraga indishyi mu mwaka wa 2000. Bisabwe n'Ubushinjacyaha, amakuru yari yarakusanyijwe mu iperereza ry'ubutabera ryari ryaratangiye mu Bufaransa mu wa 2000 yongerewe muri dosiye y'urubanza rwari rwaroherejwe na TPIR. Ubu urubanza rwa Bucyibaruta mu Bufaransa rugizwe n'idosiye y'iperereza imwe rukumbi. Bucyibaruta ntafunze guhera muri Nzeri 2007, ariko yashyizwe mu bungenzurwe.

Umurimo wo gukurikirana urubanza

5. Nagiye bwa mbere mu butumwa bwo gukurikirana urubanza rwa Bucyibaruta muri Kamena no muri Nyakanga 2013, nongera gusubirayo ubwa kabiri muri Nzeri no mu Ukwakira 2013. Ubwa gatatu n'ubwa kane nasubiye muri ubwo butumwa muri Mutarama no muri Mata 2014. Raporo zirebana n'ubwo butumwa bune zagejwe uko zikurikirana kuri Perezida binyujijwe kuri Gerefiye ba MICT ku matariki akurikira: ku ya 12 Nyakanga 2013, iya 1 Ugushyingo 2013, iya 24 Mutarama 2014 n'ya 24 Mata 2014. Izo raporo zashyizwe ahagaragara na Gerefiye, ku rubuga

¹ *Urubanza rwa Laurent Bucyibaruta*, N° ICTR-2005-85-I, Iyemezwa ry'Inyandiko y'ibirego n'ibindi byemezo birebana na yo, 17 Kamena 2005 ; *Urubanza rwa Laurent Bucyibaruta*, N° ICTR-2005-85-I, Inyandiko y'ibirego, 20 Nyakanga 2005 (yakuwe mu ibanga ku itariki ya 14 Kamena 2007).

² icyo cyifuzo cyakosowe na Porokireri ku itariki ya 27 Kamena 2007. Reba *Urubanza rwa Laurent Bucyibaruta*, N° ICTR-2005-85-I, icyifuzo cy'ibanga cya Porokireri cyo ku itariki ya 27 Kamena 2007, gisaba ko Inyandiko y'ibirego ya Laurent Bucyibaruta yohererezwa abategetsi b'u Bufaransa hashingiwe ku Ngingo ya 11 bis y'Amategeko y'Urukiko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso.

³ *Urubanza rwa Laurent Bucyibaruta*, N° ICTR-2005-85-I, icyemezo kirebana n'icyifuzo cya Porokireri gisaba ko Inyandiko y'ibirego ya Laurent Bucyibaruta ishyikirizwa abategetsi b'Ubufaransa, 20 Ugushyingo 2007.

rwa interineti rwa MICT, ku itariki ya 15 Nyakanga 2013, iya 7 Ugushyingo 2013, iya 28 Mutarama 2014 n'ya 28 Mata 2014⁴.

Laurent Bucyibaruta

6. Avoka Philippe Greciano, wunganira Bucyibaruta, mu butumwa bwa elegitoroniki yohereje ku itariki ya 9 Nyakanga 2014, yavuze ko Bucyibaruta « yifuza kugira ibintu avuga by'ingenzi ku byo ashinjwa, ko ariko ubutabera butamwemerera kubona dosiye ye yose ». Avoka Greciano yongeyeho ibikurikira: « Kugira ngo urubanza rwongere ruyoborwe mu buryo bubonye, ni ngombwa ko uburenganzira bw'ubushinjacyaha n'ubw'ukorwaho iperereza bureshya. Urubanza rugomba kuzuzwa inshingano zo gutanga ubutabera no kugaragaza ukuri. Ntabwo icyizere cy'umuryango mpuzamahanga n'ibyo uwo muriyango usaba bigomba guhungabanywa ».

Abaregera indishyi

7. Abavoka bahagarariye Urugaga rw'abaregera indishyi bo mu Rwanda (*Collectif des Parties Civiles pour le Rwanda - CPCR*), ab'Ihuriro rirenger uburenganzira bwa muntu (*Ligue des Droits de l'Homme - LDH*), ab'Ihuriro ry'imiryango irwanya irondakoko n'ivangura ryikoma Abayahudi (*Ligue internationale contre le racisme et l'antisémitisme-LICRA*) n'ab'Ishyirahamwe *Survie*, bavuze ko kugeza ubu nta cyo bafite kuvuga kuri dosiye.

8. Avoka Safya Akorri, uburanira Ishyirahamwe mpuzamahana rirenger uburenganzira bwa muntu (*Fédération internationale des droits de l'Homme - FIDH*), yashimangiye ko yabonye ko hari ibiyongereye muri dosiye y'iperereza, cyane cyane igihe za komisiyo zari zishinzwe gukora iperereza zagariye, kandi yibwira ko urubanza rwateye imbere cyane. Yongeyeho ko uburyo bushya bwo kubika inyandiko zitandukanye zigize dosiye bworohereza abashaka kuyisuzuma.

Ubushinjacyaha

9. Ku itariki ya 17 Nyakanga 2014, mu rwego rw'ubutumwa bushya bwo gukurikirana urubanza, naganiriye kuri telefoni na Nicolas Peron, Subisititi wa Porokireri wo mu Gashami AC5, ko mu Rukiko Rwisumbuye rw'i Paris gashinzwe ibyaha byibasiye inyokomuntu, ibyaha by'ubugome n'ibikomere byakozwe mu byo mu ntambara mu («Agashami »).

10. Peron yasobanuye ko komisiyo z'iperereza zagiye mu Rwanda mu mwaka wa 2012 n'uwa 2013 zimaze kugaruka, hari ibintu byinshi byiyongereye muri dosiye y'iperereza. Yambwiye kandi ko abapererezi bo mu biro bikuru bishinzwe kurwanya ibyaha byibasiye inyokomuntu, za jenoside n'ibyaha by'intambara («Iburo bikuru») n'umwe mu bacamanza bayobora iperereza bongeye gusubira mu Rwanda hagati y'itariki ya 8 n'ya 20 Kamena 2014. Yasobanuye ko muri urwo ruzinduko, abapererezi baganiriye n'abandi batangabuhamya bashya mu rwego rwo gukusanya amakuru arebana n'ibyaha Bucyibaruta ashinjwa.

11. Peron yashimangiye kandi ko gushyiraho Ibiro bikuru, byashinzwe mu Ugushyingo 2013⁵, bigatangira gukora muri Gashyantare 2014, bitoroshya mu minsi iri imbere umurimo

⁴ *Urubanza rwa Bucyibaruta Laurent*, N° MICT-13-44, Raporo ya mbere y'ubugenzuzi mu rubanza rwa Bucyibaruta, yo ku itariki ya 12 Nyakanga 2013, yakiriwe ku itariki ya 15 Nyakanga 2013 ; *Urubanza rwa Bucyibaruta Laurent*, N° MICT-13-44, Raporo ya kabiri y'ubugenzuzi, yo ku itariki ya 1 Ugushyingo 2013, yakiriwe ku itariki ya 7 Ugushyingo 2013 ; *Urubanza rwa Bucyibaruta Laurent*, N° MICT-13-44, Raporo ya gatanu y'ubugenzuzi, yo ku itariki ya 24 Mutarama 2014, yakiriwe ku itariki ya 28 Mutarama 2014; *Urubanza rwa Bucyibaruta Laurent*, N° MICT-13-44, Raporo ya kane y'ubugenzuzi, yo ku itariki ya 24 Mata 2014, yakiriwe ku itariki ya 28 Mata 2014.

w'abacamanza bayobora iperereza mu madosiye yigwa n'Agashami. Ibiro bikuru, byometswe ku biro byungirije by'ubugenzacyaha mu biro bikuru bya jandarumori y'igihugu, bigizwe ubu n'abapererezi bagera kuri 12 bo muri jandarumori, byasimbuye Ishami ry'iperereza ry'i Paris muri dosiye ya Bucyibaruta. Peron yasobanuye ko Ibiro bikuru bizakomeza kwaguka mu gihe kitarambiranye.

12. Ku birebana no kubasha kugera kuri dosiye y'iperereza ryerekeye Bucyibaruta, Peron yavuze ko abacamanza bayobora iperereza banze ko Bucyibaruta abona kopi z'inwandiko ziri muri dosiye ye, cyane kubera gutinya ko abatangabuhamy bamwe bashobora kotswa igitutu, no gushaka kubahiriza amasezerano yo kugirira ibanga inwandiko zatanzwe na TPIR. Peron yashimangiye ko, hashingiwe ku mategeko yo mu Bufaransa, Bucyibaruta ashobora ariko gusuzuma dosiye y'iperereza iri mu biro by'abacamanza bashinzwe iperereza cyangwa kopi ya dosiye iri mu biro by'abavoka be.

13. Peron yavuze ko hazashyirwaho bidatinze komisiyo mpuzamahanga nshya zishinzwe iperereza, ko ariko, uko abibona, amaperereza ashobora kuzarangira mu wa 2015.

Bikorewe i La Haye mu Buholandi, ku itariki ya 25 Nyakanga 2014

[Umukono]

Laetitia Husson
Umugenzuzi ushinzwe gukurikirana urubanza rwa Bucyibaruta

⁵ Reba Iteka N°2013-987 ryo ku itariki ya 5 Ugushyingo 2013 rigena ishyirwaho ry'ibiro bikuru bishinzwe kurwanya ibyaha byibasiye inyokomuntu, za jenocide n'ibyaha byo mu ntambara, Igazeti ya Leta y'u Bufaransa n°0259 yo ku itariki ya 7 Ugushyingo 2013.