

MICT-13-45  
08-05-2014  
(20/ter - 14/ter)

20/ter  
JN

**UMURYANGO W'ABIBUMBYE**

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Itariki : 24 Mutarama 2014



Urwego rushinzwe kurangiza imirimo  
y'Inkiko Mpanabyaha Mpuzamahanga

Umwimerere: icyongereza

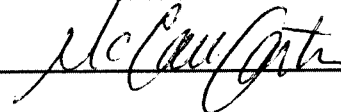
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**Umucamanza : Theodor Meron, Perezida**

**Afashijwe na : John Hocking, Gerefiye**

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*Urubanza rwa Wenceslas Munyeshyaka, N° MICT-13-45*

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**RAPORO YA GATATU Y'IGENZURA**

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**Laetitia Husson**

**Intumwa ya MICT ishinze gukurikirana urubanza rwa Munyeshyaka**

1. Mbagejejeho iyi raporo nk'umukozi w'Urwego rushinzwe kurangiza imirimo y'Inkiko Mpanabyaha Mpuzamahanga ("MICT") washinzwe gukurikirana urubanza Porokireri aburana na Wenceslas Munyeshyaka, rwashyikirijwe 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. Iyi raporo ikubiyemo ibikorwa byabaye kuva mu kwezi k'Ukwakira kugeza mu k'Ukuboza 2013.

### **Intangiriro n'imvo n'imvano**

2. Porokireri wa TPIR yakoreye Munyeshyaka Inyandiko y'ibirego amushinja icyaha cya jenocide, icyo gusambanya ku gahato, itsembatsemba n'ubuhotozi nk'ibyaha byibasiye inyokomuntu byakorewe mu Rwanda mu mwaka wa 1994. Inyandiko y'ibirego yemejwe n'umucamanza wa TPIR ku itariki ya 22 Nyakanga 2005<sup>1</sup>. Ku itariki ya 12 Kamena 2007, Porokireri wa TPIR, ashingiye ku biteganywa n'ingingo ya 11 bis y'Amategeko ya TPIR, yatanze icyifuzo asaba ko iyo Nyandiko y'ibirego yakoherezwa mu nkiko z'igihugu cy'u Bufaransa<sup>2</sup>.
3. Ku itariki ya 20 Ugushyingo 2007, Urugereko rwa Mbere rw'Iremezo rwagenwe hashingiwe ku Ngingo ya 11 bis y'Amategeko ya TPIR, rwasanze ingingo zose zisabwa

<sup>1</sup> *Urubanza Porokireri aburana na Wenceslas Munyeshyaka*, icyemezo cyo ku itariki ya 22 Nyakanga 2007 cyafashwe ku birebana no kwemeza Inyandiko y'ibirego yakorewe Wenceslas Munyeshyaka (ku itariki ya 20 Kamena 2007 cyaroreye kuba ibanga) ; *Urubanza Porokireri aburana na Wenceslas Munyeshyaka, N° ICTR-2005-87-I*, Inyandiko y'ibirego, 20 Nyakanga 2005 (ku itariki ya 20 Kamena 2007 yaroreye kuba ibanga).

<sup>2</sup> Icyo cyifuzo cyakosowe na Porokireri ku itariki ya 19 n'ya 27 Kamena 2007. *Reba Urubanza Porokireri aburana na Wenceslas Munyeshyaka, urubanza N° ICTR-2005-87-I*, icyifuzo Porokireri yatanze mu ibanga ku itariki ya 27 Kamena 2007 asaba ko Inyandiko y'ibirego yakorewe Wenceslas Munyeshyaka yoherezwa abategetsi b'u Bufaransa hashingiwe ku Ngingo ya 11 bis y'Amategeko Agenga Imiburanishirize n'itangwa ry'ibimenyetso y' Urukiko yo ku itariki ya 12 Kamena 2007.

kugira ngo urubanza rwimurirwe ahandi zuzuye. Ku bw'iyi mpamvu, rwategetse ko urubanza Porokireri aburana na Wenceslas Munyeshyaka rwimurirwa mu Bufaransa, ruha ubutegetsi bw'icyo gihugu inshingano yo guhita burushyikiriza urukiko rwaho rubifitiye ububasha.<sup>3</sup>

4. U Bufaransa bwari busanzwe bwaratangiye gukora dosiye ya Munyeshyaka nyuma y'aho umucamanza ushinzwe iperereza yiyemeje kumukurikirana, amaze kugezwaho ikirego cyari giherekejwe no gusaba indishyi, mu mwaka wa 1995. Bisabwe na Parike, urubanza rwoherejwe na TPIR rwafatanyijwe na dosiye y'ikurikiranacyaha yari yaratangiye mu Bufaransa mu mwaka wa 1995. Ni ukuvuga rero ko, kugeza ubu, idosiye y'ikurikiranacyaha ya Munyeshyaka mu Bufaransa ari imwe rukumbi. Uregwa afungishijwe ijisho kuva muri Nzeri 2007.

#### **Ubutumwa bw'igenzura**

5. Ubutumwa bw'ikubitiro bw'igenzura ry'urubanza rwa Munyeshyaka nabugiyemo mu kwezi kwa Kamena n'ukwa Nyakanga, ubwa kabiri mbujyamo muri Nzeri no mu Ukwakira 2013. Raporo z'ubwa mbere yashyikirijwe Perezida wa MICT ku itariki ya 12 Nyakanga naho iy'ubwa kabiri itangwa ku ya 5 Ugushyingo 2013. Raporo ya mbere yayitangarije rubanda ku rubuga rwa interineti rwa MICT, ku itariki ya 15 Nyakanga, iya kabiri ishyirwaho ku ya 7 Ugushyingo 2013<sup>4</sup>.

<sup>3</sup> *Urubanza Porokireri aburana na Wenceslas Munyeshyaka*, N<sup>o</sup> ICTR-2005-87-I, icyemezo ku Cyifuzo cya Porokireri gisaba koherereza ubutegetsi bw'u Bufaransa Inyandiko y'ibirego yakorewe Wenceslas Munyeshyaka, 20 Ugushyingo 2007.

<sup>4</sup> *Urubanza Porokireri aburana na Wenceslas Munyeshyaka* N<sup>o</sup> ICTR-2005-87-I, Raporo y'igenzura y'ikubitiro mu rubanza rwa Munyeshyaka yo ku itariki ya 12 Nyakanga 2013, yakiwe ku itariki ya 15 Nyakanga 2013 ; *Urubanza Porokireri aburana na Wenceslas Munyeshyaka* N<sup>o</sup> MICT-13-45, Raporo ya kabiri y'igenzura, yo ku itariki ya 5 Ugushyingo 2013, yakiriwe ku itariki ya 7 Ugushyingo 2013.

6. Nasubiye i Paris (mu Bufaransa) ku itariki ya 9 Mutarama 2014, njyanywe no kubonana n'abahagarariye Ubushinjacyaha bashinzwe dosiye ya Munyeshyaka hamwe n'abamwunganira. Nabashije kandi kugirana ikiganiro kuri telefone n'abavoka bahagarariye abaregera indishyi, ku buryo bukurikira: Ku itariki ya 10 Mutarama 2014 navuganye na Akorri, ku ya 15 mvugana na Expert naho ku ya 24 mvugana na Simon.
7. Abahagarariye Ishyirahamwe mpuzamahanga rigamije kurwanya irondamoko n'ingengabitekerezo byibasira Abayahudi ("LICRA" mu magambo ahinnye y'igifaransa) hamwe n'Avoka Tubiana, uhagarariye Ishyirahamwe Riharanira Uburenganzira bw'Ikiremhamuntu ("LDH" mu magambo ahinnye y'igifaransa) n'ubw'abakorewe ibyaha n'abafite uburenganzira bwo kuregera indishyi mu rubanza rwa Munyeshyaka, banyandikiye *e-mail*, bambwira ko aho urubanza rugeze ubu, nta gitekerezo bafite cyihariye bamenyesha MICT. Avoka Laval, uhagarariye Impuzamashyirahamwe y'abaregera indishyi ku ruhande rw'u Rwanda, mu rubanza rwa Munyeshyaka ("CPCR" mu magambo ahinnye y'igifaransa) namusabye ko tugirana ikiganiro ariko ntiyansubiza.

**Kubonana n'abakozi ba Parike**

8. Ku itariki ya 9 Mutarama 2014, nabonanye na Madamu Aurélia Devos, Umushinjacyaha wungirije akaba n'umuyobozi w'agashami kiswe AC5, k'Urukiko rw'iremezo rw'i Paris gashinzwe gukurikirana ibyaha byibasiye inyokomuntu, ibyaha by'ubugome n'ibikomeye byakozwe mu gihe cy'intambara hamwe na Nicolas Peron, Subusititi wa Porokireri ukora muri ako gashami.
9. Devos yatubwiye ko abaperezezi bagiye mu Rwanda inshuro eshatu, mu rwego rw'iyi dosiye : mu ntangiriro z'Ukwakira, mu mpera z'Ugushyingo no mu ntangiriro z'Ukubozza 2013. Yavuze kandi ko mu ntangiriro z'Ukwakira 2013 hakoze inama zo

kujya impaka zamaze icyumweru cyose hakoreshejwe uburyo bw'ikoranabuhanga bwa *videolink*. Devos yashimangiye kandi ko izo nama zo guhangana zatumye Munyeshyaka asabwa kwisobanura kuri kuri bimwe mu byakusanyijwe n'abacamanza bamukoreye dosiye.

10. Devos na Peron bemeje ko intambwe abacamanza bamaze gutera mu rwego rwo gukora iperereza ishimishije.

#### **Kubonana n'Ubwunganizi bwa Munyeshyaka**

11. Ku itariki ya 9 Mutarama 2014 nabonanye n'abunganira Munyeshyaka mu rubanza ari bo Avoka Jean-Yves Dupeux na bagenzi be Florence Bourg na Thierry Massis.
12. Avoka Dupeux, Bourg na Massis bambwiye ko bakomeje guhangayikishwa n'ikibazo cyo kutabasha kubona dosiye y'iperereza ya Munyeshyaka. Bavuga ko kuba abacamanza bashinzwe iperereza barimye Munyeshyaka ubwe kopi y'idosiye ye ari ikibazo kidindiza cyane idosiye y'iperereza kandi kibangamiye bikomeye uburenganzira bwe.
13. Avoka Dupeux, Bourg na Massis bashimangiye kandi ko bahangayikishijwe n'ikibazo cy'aho amafaranga yo guhamba abagize ikipe y'ubwunganizi bwa Munyeshyaka azava urubanza ruramutse rwoherejwe kuburanishwa mu rukiko mpanabyaha (*Cour d'assises*). Abo bavoka baribaza aho bakura amafaranga yazakoreshwa mu iperereza, mu ngendo, ku macumbi no ku bizatunga abashobora kuzababera abatangabuhamya.
14. Avoka Dupeux, Bourg na Massis bavuze ko abacamanza bashinzwe iperereza bakorana umurava kandi ko iperereza rikataje. Basanga kandi iryo perereza ririmo gukorwa mu buryo bwubahirije amategeko mpanabyaha u Bufaransa bugenderaho.

**Kubonana n'abahagarariye abaregera indishyi**

**Ishyirahamwe Mpuzamahanga Riharanira Uburenganzira bw'Ikiremwamuntu**

15. Ku itariki ya 10 Mutarama 2014, nagiranye ikiganiro n'Avoka Safya Akorri, uhagarariye Ishyirahamwe Mpuzamahanga Riharanira Uburenganzira bw'Ikiremwamuntu, ryaregeye indishyi mu rubanza rwa Munyeshyaka mu wa 2002. Avoka Akorri yashimangiye ko nta makuru menshi afite ku birebana n'aho icyo dosiye igeze, ko rero adashobora kugira icyo ayivugaho.

**Ishyirahamwe "Survie"**

16. Ku itariki ya 24 Mutarama 2014 nagiranye ikiganiro na Avoka Jean Simon, uhagarariye ishyirahamwe "Survie", na ryo ryaregeye indishyi mu rubanza rwa Munyeshyaka kuva mu Ugushyingo 2011. Avoka Simon yavuze ko nta kintu cyihariye afite yavuga, ko nta mpungenge zidasanzwe afite kuri iyi dosiye. Yifuje ko iperereza ryarangira mu gihe cya vuba, atsindagira ko yabonye abacamanza barishinzwe bakora akazi kabo ku buryo bushimishije. Avoka Simon kandi yemeje ko igihe cyose [yifuje] kureba mu idosiye [y'urubanza] yemerewe kubikora mu bwisanzure.

**Abakorewe ibyaha, n'abafite uburenganzira ku bintu by'abo bakorewe ibyaha**

17. Ku itariki ya 15 Mutarama 2014 naganiriyeye na Avoka Phippe Expert kuri telefoni. Avoka Expert na bagenzi be Ottan na Dhonte, bahagarariye abakorewe ibyaha n'abafite uburenganzira ku bintu by'abo bakorewe ibyaha, bareze Munyeshyaka baregera indishyi mu mwaka wa 1995.
18. Avoka Expert asanga ubutegetsi bw'ubucamanza bw'u Bufaransa bushaka, ku buryo bugaragara, kongera gutangiza iyi dosiye kandi hari ibimenyetso bigaragara byerekana

ko iperereza ry'abacamanza riri gukorwa. Yavuze ko yasabye kopi ya dosiye y'iperereza akayihabwa.

Bikorewe i La Haye (mu Buholandi)

ku itariki ya 24 Mutarama 2014

[Umukono]

Laetitia Husson

Ushinzwe gukurikirana urubanza rwa  
Munyeshyaka

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