

MICT-13-45
24-06-2014
(22/ter - 18/ter)

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**UMURYANGO
W'ABIBUMBYE**



Urwego Rwashyiriweho Kurangiza Imirimo
y'Inkiko Mpanabyaha Mpuzamahanga

Urubanza N° MICT-13-45-A

Date: 24 Mata 2014

Umwimerere: icyongereza

Umucamanza : Theodor Meron, Perezida

Afashijwe na : John Hocking, Gerefiye

Urubanza rwa Wenceslas Munyenshyaka

RAPORO YA KANE Y'UBUGENZUZI

Laetitia Husson

Intumwa ya MICT ishinze gukurikirana urubanza rwa *Wenceslas Munyenshyaka*

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Ano Mokuaf

Raporo y'ubugenzuzi ya kane – Urubanza rwa Munyenshyaka

1. Mbagejejeho iyi raporo nk'intumwa y'Urwego Rushinzwe Kurangiza Imirimo y'Inkiko Mpanabyaha Mpuzamahanga (« MICT »), yashinzwe gukurikirana urubanza Porokireri aburana na Wenceslas Munyeshyaka, rwashyikirijwe ubutegetsi bw'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 gihera muri Mutarama kugeza muri Werurwe 2014.

Intangiriro n'amavu n'amavuko

2. Porokireri wa ICTR yakoreye Munyeshyaka Inyandiko y'ibirego amurega ibyaha bikurikira : jenocide, kuba icyitso cy'abakoze jenocide, guhamagarira abantu mu buryo butaziguye kandi mu ruhame gukora jenocide, kimwe n'ibyaha byo gusambanya ku gahato, itsembatsemba n'ubuhotozi nk'ibyaha byibasiye inyokomuntu byakorewe mu Rwanda mu mwaka wa 1994. Iyo Nyandiko y'ibirego yemejwe n'umucamanza wa TPIR ku itariki ya 22 Nyakanga 2005¹. Ku itariki ya 12 Kamena 2007, Porokireri wa ICTR yatanze icyifuzo gisaba ko iyo Nyandiko y'ibirego yakoherezwa mu nkiko z'igihugu cy'u Bufaransa hashingiwe ku biteganywa n'Ingingo ya 11 bis y'Amategeko ya ICTR².

¹Urubanza Porokireri aburana na Wenceslas Munyeshyaka, N° ICTR-2005-87-I, icyemezo cyemeza Inyandiko y'ibirego, 22 Nyakanga 2005 (yaretse kuba ibanga ku ya 20 Kamena 2007); Urubanza Porokireri aburana na Wenceslas Munyeshyaka, Inyandiko y'ibirego, 20 Nyakanga 2005 (yaretse kuba ibanga ku itariki ya 20 Kamena 2007).

²Porokireri yakosoye icyo cyifuzo ku itariki ya 19 no ku ya 27 Kamena 2007. Reba Urubanza Porokireri aburana na Wenceslas Munyeshyaka, N° ICTR-2005-87-I, icyifuzo cy'ibanga cya Porokireri cyo ku ya 12 Kamena 2007 gisaba ko

3. Ku itariki ya 20 Ugushyingo 2007, Urugereko rwa Mbere rw'Iremezo rwagenwe hashingiwe ku Ngingo ya 11 *bis* y'Amategeko ya TPIR rwasanze ibisabwa byose kugira ngo urubanza rwimurirwe ahandi byuzuye. Kubera icyo mpamvu, urwo Rugereko rwategetse ko Urubanza Porokireri aburana na Wenceslas Munyeshyaka rwimurirwa mu Bufaransa, icyo gihugu kikagomba guhita kirushyikiriza urukiko rwaho rubifitiye ububasha³.
4. U Bufaransa bwari busanzwe bwaratangiye iperereza kuri Munyeshyaka nyuma y'aho umucamanza utegura urubanza yemeje ko agomba gukurikiranwa n'inkiko, uwo mucamanza na we ashingiyeye ku kirego yakiriye cyatanzwe mu mwaka wa 2000 n'abaregera indishyi. Bisabwe na Parike, urubanza rwoherejwe na ICTR rwafatanyijwe na dosiye y'ibyavuye mu iperereza ryatangiye gukorerwa mu Bufaransa mu mwaka wa 2000. Ni ukuvuga rero ko, kugeza ubu, idosiye y'urubanza rwa Munyeshyaka iri muri icyo gihugu ari imwe rukumbi. Kuva muri Nzeri 2007, Munyeshyaka yararekuwe ariko ashirwa mu bugenzurwe.

Ubutumwa bwo gukurikirana urubanza

5. Ubutumwa bw'ikubitiro bwo gukurikirana urubanza rwa Munyeshyaka nabugiyemo muri Kamena na Nyakanga 2013, ubwa kabiri mbujyamo muri Nzeri no mu Ukwakira 2013. Ubutumwa bwa gatatu bwo gukurikirana urwo rubanza bwabaye muri Mutarama

Inyandiko y'ibirego yakorewe Wenceslas Munyeshyaka yohererezwa ubutegetsi bw'u Bufaransa hashingiwe ku Ngingo ya 11 *bis* y'Amategeko ya TPIR, 27 Kamena 2007.

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

2014. Raporo z'ubwo butumwa uko ari butatu zohererejwe Perezida wa MICT uko zikurikirana binyujijwe kuri Gerefiye we ku itariki ya 12 Nyakanga 2013, ku ya 1 Ugushyingo 2013 no ku ya 24 Mutarama 2014. Iya mbere yatangajwe na Gerefiye ku rubuga rwa interineti rwa MICT ku itariki ya 15 Nyakanga, indi ku ya 7 Ugushyingo 2013, naho iya gatatu itangazwa ku ya 28 Mutarama 2014⁴.

6. Ku itariki ya 8 Mata 2014, igihe nari mu butumwa ku nshuro ya kane, nabonanye na Madamu Aurélie Devos, Visi Porokireri, akaba n'umuyobozi w'agashami kiswe AC5 ku Rukiko rw'Iremezo rw'i Paris (mu Bufaransa), gashinzwe gukurikirana ibyaha byibasiye inyokomuntu, ibyaha by'ubugome n'ibikomeme byakozwe mu gihe cy'intambara. Kuri uwo munsu, mu biro by'ako gashami i Paris, nabonanye kandi na Bwana Olivier l'Etang, Subusititi wa Porokireri mu Rukiko rw'Iremezo rw'i Paris.
7. Madamu Devos yavuze ko batarabona igisubizo ku birebana n'ibyo basabye ku birebana no gukoresha ikoranabuhanga ry'amajwi n'amashusho (*vidéoconference*) kandi dosiye yiyongereyemo amakuru menshi yazanywe n'intumwa z'urukiko zohererejwe gukora iperereza (« *commissions rogatoires* »). Yashimangiye ko hakomeje isesengura ry'amakuru akubiye muri dosiye abacamanza bashinzwe gutegura urubanza bamaze gukusanya kugeza ubu. Madamu Devos yemeje ko iperereza rishobora kuba ryarangiye mu mpera z'Ukuboza 2014.

⁴Urubanza rwa Wenceslas Munyeshyaka, N° MICTR-13-45, Raporo y'ikubitiro y'ubugenzuzi mu rubanza rwa Munyeshyaka, 12 Nyakanga 2013, yakiriwe ku ya 15 Nyakanga 2013; Urubanza rwa Wenceslas Munyeshyaka, N° MICT-13-45, Raporo ya kabiri y'ubugenzuzi, 1 Ugushyingo 2013, yakiriwe ku ya 7 Ugushyingo 2013; Urubanza rwa Wenceslas Munyeshyaka, N° MICT-13-45, Raporo ya gatatu y'ubugenzuzi, 24 Mutarama 2014, yakiriwe ku ya 28 Mutarama 2014.

8. Avoka Jean –Yves Dupeux, wunganira Munyeshyaka, yanditse ubutumwa bwa elegitoroniki (*e-mail*) amenyesha ko nta cyo afite avuga ku rubanza kuri iyo ntera imiburanishirize igezeho..
9. Mu butumwa butaha mu rwego rwo gukurikirana uru rubanza, abahagarariye abaregeye indishyi bazasabwa gutanga ibitekerezo byabo ku birebana n'imigendekere y'imiburanishirize y'uru rubanza, kimwe n'uko babona ibisabwa birebana n'iyimurwa ryarwo byubahirizwa.

Bikorewe i La Haye (mu Buholandi)

ku itariki ya 24 Mata 2014

[Umukono]

Laetitia Husson

Intumwa ishinze gukurikirana urubanza rwa Munyeshyaka