Urwego rwashyiriweho Inkiko Mpanabyaha Mpuzamahanga

Tariki : 25 Nyakanga 2014

Umwimere: Igifaransa

Imbere ya: Bwana Theodor Meron, Perezida

Afashijwe na: Bwana John Hocking, Gerefiye

***Wenceslas Munyeshyaka*, Urubanza n° MICT-13-45**

RAPORO Y'IGENZURA YA GATANU

Laetitia Husson

Umugenzuzi mu rubanza rwa *Munyeshyaka* washyizweho na MTPI

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Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

1. Iyi raporo nyitanze nk'umugenzuzi washyizweho n'Urwego Rwashyiriweho Kurangiza Imirimo y'Inkiko Mpanabyaha Mpuzamahanga («MTPI») mu rubanza Porokireri aregamo Wenceslas Munyeshyaka, rweguriwe abategetsi b' u Bufaransa hashingiwe ku Ngingo ya 11*bis* y'Amategeko agenga Imiburanishirize n'Itangwa ry'Ibimenyetso y'Urukiko Mpanabyaha Mpuzamaghanga rwashyiriweho u Rwanda (« Amategeko » na « TPIR »). Iyo raporo irebana n'igihe kiri hagati ya Mata na Kamena 2014.

Intangiriro n'amavu n'amavuko y'urubanza

2. Porokireri wa TPIR yakoreye Munyeshyaka Inyandiko y'ibirego amurega icyaha cya jenoside n'icyo gusambanya ku gahato, icy'itsembatsemba n'icy'ubuhotozi bigize ibyaha byibasiye inyoko muntu, byakorewe mu Rwanda mu 1994. Iyo Nyandiko y'ibirego yemejwe n'Umucamanza wa TPIR ku itariki ya 25 Nyakanga 2005[1]. Ku itariki ya 12 Kamena 2007, Porokireri yashyikirije Urukiko icyifuzo gisaba ko iyo Nyandiko y'ibirego yakohererezwa inkiko zo mu Bufaransa hashingiwe ku biteganywa mu ngingo ya 11*bis* y'Amategeko ya TPIR[2].

3. Ku itariki ya 20 Ugushyingo 2007, Urugereko rwa Mbere rw'Iremezo rwagenwe hashingiwe ku Ngingo ya 11*bis* y'Amategeko ya TPIR, rwemeje ko ibisabwa byose byuzuye kugira ngo uru rubanza rwoherezwe ahandi, bityo rutegeka ko Urubanza Porokireri aburana na Wenceslas Munyeshyaka rwohererezwa abayobozi b'u Bufaransa, kugira ngo na bo barushyikirize vuba na bwangu urukiko rwo muri icyo gihugu rufite ububasha bwo kuruburanisha[3].

4. Munyeshyaka yari asanzwe akorwaho iperereza mu Bufaransa kuko Umucamanza uyobora iperereza mbere y'uko dosiye ishyikirizwa inkiko yafashe icyemezo ko akurikiranwa mu nkiko, nyuma y'uko ashyikirijwe ikirego n'abaregera indishyi cyatanzwe muri 1995. Bisabwe n'ubushinjacyaha, idosiye yoherejwe na TPIR yafatanyijwe n'iperereza ryari ryatangiye mu Bufaransa muri 1995. Ubungubu rero, idosiye y'iperereza kuri Munyeshyaka mu Bufaransa ni imwe rukumbi. Kuva muri Nzeri 2007, Munyeshyaka yafunguwe by'agateganyo ashyirwa mu bugenzurwe.

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[1] Urubanza Porokireri aburana na Wenceslas Munyeshyaka, n°ICTR-2005-87-I, Icyemezo cyemeza Inyandiko y'ibirego yakorewe Wenceslas Munyeshyaka, 22 Nyakanga 2005 (yakuwe mu ibanga ku itariki ya 20 Kamena 2007) ; Urubanza Porokireri aburana na Wenceslas Munyeshyaka, n°ICTR-2005-87-I, Inyandiko y'ibirego (yakuwe mu ibanga ku itariki ya 20 Kamena 2007).

[2] Icyo cyifuzo cyaje gukosorwa na Porokireri ku itariki ya 19 n'iya 27 Kamena 2007. Reba Urubanza Porokireri aburana na Wenceslas Munyeshaka, n° ICTR-2005-87-I, Icyifuzo cy'ibanga cya Porokireri cyo ku itariki ya 27 Kamena 2007, gisaba ko iyi Nyandiko y'ibirego yakorewe Wenceslas Munyeshaka yohererezwa abategetsi b'u Bufaransa hashingiwe ku biteganywa mu Ngingo ya 11*bis* y'Amategeko ya TPIR yo ku itariki ya 12 Kamena 2007.

[3] Urubanza Porokireri aburana na Wenceslas Munyeshyaka, n°ICTR-2005-87-I, Icyemezo ku cyifuzo cya Porokireri gisaba ko Inyandiko y'ibirego yakorewe Wenceslas Munyeshyaka yohererezwa abayobozi b'u Bufaransa, 20 Ugushyingo 2007.

Igenzura

5. Nagiye bwa mbere mu butumwa bwo gukurikirana urubanza rwa Munyeshyaka muri Kamena no muri Nyakanga 2013, nsubirayo ubwa kabiri muri Nzeri no mu Ukwakira 2013. Ubutumwa bw'akazi bubiri bwakurikiyeho nabugiyemo muri Mutarama na Mata 2014. Raporo z'ubwo butumwa bw'akazi uko ari enye zashyikirijwe uko zikurikirana Perezida wa MTPI zinyujijwe kuri Gerefiye we ku itariki ya 12 Nyakanga, iya 5 Ugushyingo 2013, iya 24 Mutarama 2014 n'iya 24 Mata 2014, hanyuma Gerefiye azishyira ku rubuga rwa interineti rwa MTPI ku itariki ya 15 Nyakanga, iya 7 Ugushyingo 2013, iya 28 Mutarama 2014 n'iya 28 Mata 2014[4].

Wenceslas Munyeshyaka

6. Avoka Jean-Yves Dupeux wunganira Munyeshyaka yamenyesheje mu butumwa bwa elegitoroniki yohereje ko nta bintu bishya yavuga ku rubanza aho rugeze ubu.

Abaregera indishyi

7. Ababuranira Ishyirahamwe Mpuzamahanga rirwanya irondakoko n'ivangura ryikoma Abayahudi (*Ligue Internationale contre le racisme et l'antisémitisme* (« LICRA »), ababuranira Ishyirahamwe Rirengera Uburenganzira bwa muntu (Ligue des droits de l'homme (« LDH ») n'ab'Ishyirahamwe ryitwa *Survie*, bavuze ko nta cyo bafite batangaza ku birebana n'urubanza.

8. Avocat Safya Akorri uburanira Ihuriro Mpuzamahanga rirengera Uburenganzira bwa muntu, yambwiye kuri telefone ko yasanze hari ibintu byiyongereye muri dosiye yerekeye ipereereza, kimwe mu byabiteye akaba ari uko abari baragiye mu butumwa bw'ipereereza bagarutse. Yatugaragarije ko we abona hari ibyateye imbere mu rubanza kandi ko n'ipereereza muri urwo rubanza rishobora kuba ryarangiye mu mpera z'uyu mwaka wa 2014. Yanavuze ko uburyo bushya impapuro z'idosiye y'ipereereza zibitse byorohereza ushaka kugira icyo ayirebamo.

9. Avoka Alain Otan, uhagarariye mu nkinko abakorewe ibyaha n'abafite uburenganzira bwo kubasimbura baregeye indishyi, yatumenyesheje mu butumwa bwa elegitoroniki ko abona ipereereza muri uru rubanza ryihuta, ko nta mpungenge agifite kuri icyo kibazo. Icyakora, yavuze ko ikibazo cy'ubushobozi kizaba « ingorabahizi » vuba ku baregeye indishyi urubanza niruramuka rubaye rurerure, « ko batazashobora kubyihanganira », ibyo akabivuga nko ku birebana n'amafaranga y'ingendo, ayo gucumbika i *Paris* n'ayo

[4] Urubanza rwa Wenceslas Munyeshyaka, n° MICT-13-45, raporo ya mbere y'igenzura mu rubanza rwa Munyeshyaka yo ku itariki ya 12 Nyakanga 2013, yakiriwe ku itariki ya 15 Nyakanga 2013; Urubanza rwa Wenceslas Munyeshyaka n° MICT-13-45, raporo ya kabiri y'igenzura yo ku itariki ya 5 Ugushyingo 2013, yakiriwe ku itariki ya 7 Ugushyingo 2013; Urubanza rwa Wenceslas Munyeshyaka n° MICT-13-45, raporo y'igenzura ya gatatu yo ku itariki ya 24 Mutarama 2014, yakiriwe ku itariki ya 28 Mutarama 2014; Urubanza rwa Wenceslas Munyeshyaka n° MICT-13-45, raporo ya kane y'igenzura yo ku itariki ya 24 Mata 2014, yakiriwe ku itariki ya 28 Mata 2014.

kwishyura ba bavoka. Uwo mwavoka yavuze ko ibyo « atari akabazo gatoya, ko ahubwo ari ikibazo cy'ibanze kijyanye no kugira uburyo bungana ku baburanyi no kubasha kumvwa nyabyo n'urukiko rwigenga kandi rudafite aho rubogamiye, icyo kibazo kikaba kigomba gusuzumwa bidatinze n'abayobozi bireba ».

Ubushinjacyaha

10. Ku itariki ya 17 Nyakanga 2014, mu rwego rw'ubu butumwa bushya bw'akazi k'igenzura, navuganye kuri telefone na Bwana Nicolas Peron, Subusititi wa Porokireri wo mu Gashami AC5 gashinzwe ibyaha byibasiye inyokomuntu, ibyaha by'ubugome n'ibikomeye byakozwe mu ntambara mu Rukiko Rwisumbuye rw'i Paris (« Agashami »).

11. Avoka Peron yavuze ko abaregeye indishyi babajijwe n'abacamanza bayobora iperereza muri Gicurasi 2014. Yanamenyesheje ko abapererezi bo mu biro bikuru birwanya ibyaha byibasiye inyokomuntu, za jenoside n'ibyaha byo mu ntambara (« Ibiro bikuru »), bari kumwe n'umwe mu bacamanza bayobora iperereza bongeye kugirira urugendo mu Rwanda kuva ku itariki ya 8 kugeza ku ya 20 Kamena 2014. Yasobanuye ko muri urwo rugendo, abapererezi n'umucamanza uyoboye iperereza babajije abatangabuhamya bundi bushya, bakajya n'aho icyaha cyakorewe.

12. Avoka Peron yavuze ko ishyirwaho ry'Ibiro bikuru birwanya ibyaha byibasiye inyokomuntu, za jenoside n'ibyaha byo mu ntambara, byashyizweho mu Ugushyingo 2013[5] bigatangira gukora kuva muri Gashyantare 2014, mu gihe kizaza bizorohereza abacamanza bayobora iperereza mu kazi kabo mu madosiye ashyikirizwa Ishami. Ibiro bikuru byometswe ku buyobozi bwungirije bushinzwe ubugenzacyaha mu biro bikuru bya jandarumeri y'igihugu, ubu bukaba bugizwe n'abapererezi b'abajandarume 12, byasimbuye Ishami ry'iperereza ry'i Parisi muri dosiye ya Munyeshyaka. Avoka Peron yasobanuye ko ibiro bikuru bizaguka mu gihe kitarambiranye.

13. Ku birebana no kubona idosiye itegura urubanza kuri Munyeshyaka, Avoka Peron yasobanuye ko abacamanza bayobora iperereza banze ko kopi y'impapuro zo mu idosiye zahabwa Munyeshyaka, kubera ko hari impungenge ko habaho gutoteza abatangabuhamya kandi no mu rwego rwo kubahiriza ibanga ku mpapuro TPIR yashyize mu idosiye. Avoka Peron yavuze ko nk'uko biteganywa mu mategeko y'u Bufaransa, Munyeshyaka ashobora kureba ibiri mu idosiye itegura urubanza mu biro by'abacamanza bategura urubanza cyangwa se akareba kopi y'iyo dosiye iri mu biro by'abamwunganira.

14. Avoka Peron yemeje ko iperereza mu idosiye ya Munyeshyaka rigeze ku ntera y'isoza, ko akurikije uko ibintu bimeze iperereza ryagombye kurangira mu mpera za 2014.

[5] Reba itegekoteka n°2013-987 ryo ku ya 5 Ugushyingo 2013 rishyiraho ibiro bikuru birwanya ibyaha byibasiye inyokomuntu, za jenoside n'ibyaha byo mu ntambara, Igazeti ya Leta y'u Bufaransa n°0259 yo ku ya 7 Ugushyingo 2013.

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

[Umukono]

Laetitia Husson
Umugenzuzi mu rubanza rwa Munyeshyaka

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Byahinduwe **mu** Kinyarwanda **kandi** byemezwa **na** SSL/TPIR