



**Inama Ishinzwe Amahoro  
ku Isi**

Inyandiko itari ibanga  
22 Ukuboza 2010

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## **ICYEMEZO 1966 (2010)**

**Cyafashwe n'Inama Ishinzwe Amahoro ku Isi mu nama yayo ya  
6463, ku itariki ya 22 Ukuboza 2010**

*Inama Ishinzwe Amahoro ku Isi,*

*Yibutsa* icyemezo cyayo 827 (1993) cyo ku itariki ya 25 Gicurasi 1993, gishyiraho Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho icyahoze cyitwa Yugosilaviya (« TPIY ») n'icyemezo cyayo 955 (1994) cyo ku itariki ya 8 Ugushyingo 1994 gishyiraho Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda («TPIR») n'ibyemezo byose rwafashe nyuma birebana n'izo nkiko,

10-70609\* (K)

R(RM)13-0010K

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

**Yibutsa**, by'umwihariko, icyemezo cyayo 1503 (2003) cyo ku itariki ya 28 Kanama 2003 n'icya 1534 (2004) cyo ku itariki ya 26 Werurwe 2004 byasabaga izo nkiko gufata ingamba zishoboka zose ngo zibe zarangije iperereza bitarenze impera z'umwaka wa 2004, kurangiza imanza zose mu rw'iremezo bitarenze impera z'umwaka wa 2008 no gusoza imirimo yazo yose mu mwaka wa 2010 («Ingamba zo gusoza imirimo »), kandi **Imaze kubona** ko ibyo bihe bitubahirijwe,

**Izirikana** uruhare runini izo Nkiko zagize mu butabera mpanabyaha mpuzamahanga mu kugaragaza uruhare abantu bagize mu byaha mpuzamahanga bikomeye no gutuma u Rwanda n'ibihugu bigize icyahoze cyitwa Yugosilaviya byongera kuba ibihugu bigendera ku mategeko,

**Yibutsa** ko izo Nkiko zashyizweho nk'inkiko zidahoraho kubera uko ibintu byari byifashe mu cyahoze cyitwa Yugosilaviya no mu Rwanda kugira ngo zitange cyane cyane umuganda mu kugarura no kubungabunga amahoro,

**Yongeye guhamya** ko yiyemeje kurwanya umuco wo kudahana ku bantu bose bakoze ibikorwa binyuranyije bikomeye n'amategeko mpuzamahanga arengera abantu mu gihe cy'intambara kandi ko abantu bose baregawe TPIY na TPIR bagomba gushyikirizwa ubutabera,

**Yibutsa** ibyatangajwe na Perezida w'Inama Ishinzwe Amahoro ku Isi ku itariki ya 19 Ukuboza 2008 (S/PRST/2008/47) kandi **Yongeye guhamya** ko ari ngombwa gushyiraho urwego rwihariye rushinzwe gukora imirimo imwe y'ingenzi y'izo Nkiko zimaze gufunga imiryango, harimo no gucira imanza abantu bahunze ubutabera barimo abayobozi bo mu nzego zo hejuru zisumba izindi, bakekwaho kuba baragize uruhare ruruta urw'abandi mu byaha byakozwe,

10-70609

R(RM)13-0010(K)

2

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR
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***Imaze gushimangira*** ko, kubera ko imirimo y'insigarira itari myinshi cyane, urwo rwego rugomba kuba ruto, rukora neza kandi rudahoraho, imirimo yarwo ikazagenda igabanuka uko ibihe bihita ndetse n'abakozi barwo, n'ubwo ari bake, bakazagenda bagabanywa hakurikijwe uko imirimo yarwo izagenda igabanuka,

***Imaze kwishimira*** raporo y'Umunyamabanga Mukuru (S/2009/258) ku bijyanye n'imicungire n'ingengo y'imari by'ahantu hashobora kuzashyirwa ubushyinguranyandiko bwa TPIY na TPIR, no ku bijyanye n'icyicaro cy'urwego rushinzwe cyangwa inzego zishinzwe gukora imirimo y'insigarira y'izo nkiko,

***Ishingiye*** ku Mutwe wa VII w'Itegeko Shingiro ry'Umuryango w'Abibumbye,

1. *Yemeje* gushyiraho Urwego mpuzamahanga rushinzwe gukora imirimo y'insigarira y'Inkiko Mpanabyaha («MICT») rugizwe n'amashami abiri: ishami rishinzwe imirimo ya TPIR rizatangira imirimo yaryo ku itariki ya 1 Nyakanga 2012 (Ishami rya TPIR) n'ishami rishinzwe imirimo ya TPIY rizatangira imirimo yaryo ku itariki ya 1 Nyakanga 2013 (Ishami rya TPIY). *Yemeje* rero Sitati ya MICT iri mu mugereka wa 1 w'iki cyemezo;
2. *Yemeje* ko ingingo z'iki cyemezo, iza Sitati za MICT n'iza Sitati za TPIY na TPIR zikoreshwa nta kubangamira ingingo z'inzibacyuho ziri mu mugereka wa 2 w'iki cyemezo;
3. *Isabye* TPIY na TPIR gukora ibishoboka byose ngo zirangize vuba imirimo yazo yose isigaye nk'uko biteganywa muri iki cyemezo kandi bitarenze itariki ya 31 Ukuboza 2014, gutegura ifunga ryazo no gukora ku buryo imirimo isigaye ijya muri MICT mu buryo bunozwe. Mu byo zigomba gukora kugira ngo bigerweho, harimo gushyiraho amakipe ashinzwe kubitegura;

4. *Yemeje* ko, kuva ku itariki buri shami rya MICT rigomba gutangiriraho imirimo yaryo nk'uko bivugwa mu gika cya 1, MICT izasimbura TPIY na TPIR ku byerekeranye n'ububasha, imirimo y'ingenzi, uburenganzira n'inshingano izo Nkiko zari zifite, haseguriwe ibiteganywa n'iki cyemezo n'ibiteganywa na Sitati ya MICT. Kontaro zose n'amasezerano mpuzamahanga yose Umuryango w'Abibumbye wasinye yerekeranye na TPIY na TPIR, bizaba bitararangira ku itariki buri shami rizatangiriraho imirimo yaryo bizakomeza kubahirizwa, hahindutse ibigomba guhinduka, ku byerekeranye na MICT;
5. *Isabye* Umunyamabanga Mukuru gutanga vuba bishoboka, ariko bitarenze itariki ya 30 Kamena 2011, umushinga w'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso ya MICT uzaba wendeye ku Mategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso y'Inkiko zombi kandi wubahirije ibiteganywa n'iki cyemezo na Sitati za MICT kugira ngo abacamanza ba MICT bawusuzume kandi bawemeze;
6. *Yemeje* ko Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso ya MICT n'ibishobora kuzagenda bihindurwamo azatangira gukurikizwa akimara kwemezwa n'abacamanza ba MICT, kereka Inama Ishinzwe Amahoro ku Isi ibyemeje ukundi;
7. *Yemeje* ko icyemezo cyerekeranye n'ibyicaro by'amashami ya MICT kizaterwa n'amasezerano Umuryango w'Abibumbye uzagirana n'ibihugu ayo mashami azakoreramo;
8. *Yibukije* ko ibihugu bifite inshingano yo gufatanya n'Inkiko, by'umwihariko bikubahiriza, nta kuzarira, ibyifuzo by'Inkiko birebana no kuzifasha gushakisha abaregwa, kubafata, kubafunga, kubimura no kubashyikiriza izo Nkiko;

10-70609

R(RM)13-0010(K)

4

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR
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9. *Yemeje* ko ibihugu byose bigomba gufatanya na MICT bitizigamye nk'uko biteganywa muri iki cyemezo no muri Sitati ya MICT. Ibihugu byose bigomba rero, mu mategeko yabyo, gufata ingamba zituma bishobora kubahiriza ibiteganywa n'iki cyemezo na Sitati ya MICT, harimo n'inshingano bifite yo kubahiriza ibyifuzo bibisaba gufasha MICT cyangwa kubahiriza ibyemezo itanze nk'uko biteganywa na Sitati yayo;
10. *Isabye ikomeje* ibihugu byose, by'umwihariko ibyo abahunze ubutabera batarafatwa bakekwa kuba babamo, gukaza umurego mu gufatanya n'Inkiko na MICT no kuziha inkunga yose zakenera kugira ngo, by'umwihariko, abahunze ubutabera bose basigaye bafatwe kandi bashyikirizwe bidatinze izo Nkiko na MICT;
11. *Isabye ikomeje* Inkiko na MICT gushyiraho umwete ngo zohereze mu nkiko z'ibihugu zibifitiye ububasha imanza zitaregwamo abantu bari abategetsi bo mu nzego zo hejuru zisumba izindi bakekwaho kuba baragize uruhare ruruta urw'abandi mu byaha byakozwe kandi zikabikora hashingiwe kuri Sitati yazo n'Amategeko yazo Agenga Imiburashirize n'Itangwa ry'Ibimenyetso;
12. *Isabye* ibihugu byose gukora uko bishoboye kugira ngo byakire imanza byohererejwe n'Inkiko na MICT;
13. *Isabye* Umunyamabanga Mukuru gushyira mu bikorwa ibiteganywa n'iki cyemezo no gufata ingamba zifatika kugira ngo MICT ishobore gutangira koko imirimo yayo ku matariki amashami yayo agomba gutangiriraho nk'uko bivugwa mu gika cya 1, by'umwihariko, agatangiza bitarenze itariki ya 30 Kamena 2011, umuhango wo guhitamo abacamanza bo kujya kuri lisiti izajya ikurwaho abacamanza ba MICT nk'uko Sitati yayo ibiteganywa;

10-70609

R(RM)13-0010(K)

5

Byahinduwe mu kinyarwanda kandi byemezwaga na SSL/TPIR
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14. *Isabye* Umunyamabanga Mukuru gutegura, amaze kubivuganaho n’Inama Ishinzwe Amahoro ku Isi, uburyo bwo kurinda amakuru no kugera ku bushyinguranyandiko bw’Inkiko na MICT kandi bigakorwa mbere y’itariki ivugwa mu gika cya 1 buri shami rya MICT rigomba gutangiriraho imirimo yaryo;
15. *Isabye* Inkiko na MICT gufatanya n’ibihugu bigize icyahoze cyitwa Yugosilaviya n’u Rwanda ndetse n’indi miryango bireba kugira ngo hashyirweho ibigo by’amakuru n’inyandiko, bikabikora ku buryo abantu bashobora kugera ku nyandiko zitari ibanga ziri mu bushyinguranyandiko bw’Inkiko n’ubwa MICT no ku mbuga za interineti zazo;
16. *Isabye* Perezida wa MICT gushyikiriza raporo ya buri mwaka Inama Ishinzwe Amahoro ku Isi n’Inteko Rusange, naho nyuma ya buri mezi atandatu, Perezida na Porokireri ba MICT bagashyikiriza Inama Ishinzwe Amahoro ku Isi raporo igaragaza aho imirimo ya MICT igeze;
17. *Yemeje* ko, mu ntangiriro, MICT ifite manda y’imyaka ine itangira kubarwa uherye ku itariki buri shami rigomba gutangiriraho imirimo yaryo nk’uko bivugwa mu gika cya 1, no gusuzuma, mbere y’uko manda ya mbere irangira, aho imirimo ya MICT izaba igeze, harimo n’ibyerekeye kurangiza imirimo yayo, nyuma ikajya ibisuzuma nyuma ya buri myaka ibiri; *Yemeje* kandi ko, nyuma y’iryo suzuma rya buri myaka ibiri, MICT izajya yongererwa manda y’imyaka ibiri, kereka Inama Ishinzwe Amahoro ku isi ibyemeje ukundi;
18. *Ishimangiye* ko iteganya gushyiraho uburyo hazakorwa imirimo ishobora kuzasigara igihe MICT izaba imaze kurangiza manda yayo;
19. *Yemeje* ko izakomeza gukurikiranira hafi iki kibazo.

10-70609

R(RM)13-0010(K)

6

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR
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## UMUGEREKA WA 1

### Sitati y’Urwego Mpuzamahanga rwashyiriweho kurangiza imirimo y’insigarira y’Inkiko Mpanabyaha(MICT)

#### Amashakiro

Iriburiro .....	9
Ingingo ya 1: Ububasha bwa MICT .....	9
Ingingo ya 2: Imirimo ya MICT .....	10
Ingingo ya 3: Amashami ya MICT n’ibyicaro byayo .....	11
Ingingo ya 4: Imiterere ya MICT.....	11
Ingingo ya 5: Ububasha buhuriranye.....	11
Ingingo ya 6: Kohereza imanza mu nkiko z’ibihugu.....	12
Ingingo ya 7: Ihame ry’o kudakurikiranwa kabiri ku cyaha kimwe ( <i>Non bis in idem</i> ) .....	13
Ingingo ya 8: Lisiti y’abacamanza .....	14
Ingingo ya 9: Ibyo abacamanza bagomba kuba bujuje .....	15
Ingingo ya 10: Itorwa ry’abacamanza .....	15
Ingingo ya 11: Perezida.....	17
Ingingo ya 12: Ishyirwaho cy’abacamanza n’Ingereko .....	17
Ingingo ya 13: Amategeko Agenga Imiburanishirize n’Itangwa ry’Ibimenyetso.....	18
Ingingo ya 14: Ibiro bya Porokireri.....	19
Ingingo ya 15: Ibiro bya Gerefiye .....	20
Ingingo ya 16: Iperereza n’itegurwa ry’inyandiko y’ibirego.....	21

10-70609

R(RM)13-0010(K)

7

Ingingo ya 17: Gusuzuma inyandiko y'ibirego.....	21
Ingingo ya 18: Gutangira urubanza no kuruburanisha .....	22
Ingingo ya 19: Uburenganzira bw'uregwa .....	23
Ingingo ya 20: Kurinda umutekano w'abakorewe ibyaha n'uw'abatangabuhamy.....	24
Ingingo ya 21: Imikirize y'imanza .....	24
Ingingo ya 22: Ibihano .....	24
Ingingo ya 23: Ubujurire .....	25
Ingingo ya 24: Gusubirishamo urubanza .....	26
Ingingo ya 25: Irangizwa ry'ibihano .....	26
Ingingo ya 26: Imbabazi n'igabanyagihano .....	26
Ingingo ya 27: Imicungire y'ubushyinguranyandiko.....	27
Ingingo ya 28: Ubufatanye no guterana inkunga mu rwego rw'ubucamanza .....	27
Ingingo ya 29: Urwego MICT irimo, uburenganzira bwihariye n'ubudahangarwa byayo.....	28
Ingingo ya 30: Imari ikoreshwa na MICT .....	29
Ingingo ya 31: Indimi zikoreshwa.....	30
Ingingo ya 32: Raporo .....	30

10-70609

R(RM)13-0010(K)

8

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR
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## Iriburiro

*Ishingiye* ku Mutwe wa VII w'Itegeko Shingiro ry'Umuryango w'Abibumbye, Inama Ishinzwe Amahoro ku Isi ishizeho Urwego rushinzwe kurangiza imirimo y'insigarira y'Urukiko Mpuzamahanga rwashyiriweho gucira imanza abantu baregwa kuba barakoze ibikorwa binyuranyije bikomeye n'amategeko mpuzamahanga arengera abantu mu gihe cy'intambara mu cyahoze cyitwa Yugosilaviya kuva mu mwaka wa 1991 (« TPIY ») n'i y'Urukiko Mpuzamahanga rwashyiriweho gucira imanza abantu bakoze jenocide cyangwa ibindi bikorwa binyuranyije bikomeye n'amategeko mpuzamahanga arengera abantu mu gihe cy'intambira mu Rwanda n'Abanyarwanda babikoreye mu bihugu bituranye n'u Rwanda hagati y'itariki ya 1 Mutarama 1994 n'ya 31 Ukuboza 1994 (« TPIR »). Uru Rwego rushinzwe gukora imirimo y'insigarira y'Inkiko Mpanabyaha (rwiswe hano « MICT ») rugengwa n'iyi Sitati.

### Ingingo ya 1: Ububasha bwa MICT

1. MICT isimbuye TPIY na TPIR ku byerekeranye n'ububasha izo Nkiko zari zifite bushingiye ku kiburanwa, ku ifasi, ku gihe icyaha cyakorewe no ku bantu bashobora gukurikiranwa nk'uko busobanurwa kuva ku Ngingo ya 1 kugera ku ya 8 za Sitati ya TPIY no kuva ku Ngingo ya 1 kugera ku ya 7 za Sitati ya TPIR<sup>1</sup>. MICT isimbuye kandi TPIY na TPIR ku byerekeranye n'uburenganzira n'inshingano izo nkiko zari zifite haseguriwe ibiteganywa n'iyi Sitati.
2. Nk'uko biteganywa n'iyi Sitati, MICT ifite ububasha bwo gucira imanza abantu baregwa na TPIY cyangwa TPIR bari mu bayobozi bakuru kurusha abandi bakekwaho kuba baragize uruhare runini kurusha abandi mu byaha bivugwa mu gika cya 1 cy'iyi

<sup>1</sup> Reba kuva ku Ngingo ya 1 kugera ku ya 8 za Sitati ya TPIY (S/RES/827 (1993) n'Umugereka kuri Raporo S/25704 na Add.17658 (1993)) no kuva ku Ngingo ya 1 kugera ku ya 7 za Sitati ya TPIR (Umugereka kuri Raporo S/RES/955 (1994)).

Ngingo, hashingiwe ku buremere bw'ibyaha baregwa no ku mwanya bari barimo mu buyobozi.

3. Nk'uko biteganywa n'iyi Sitati, MICT ifite ububasha bwo gucira imanza abantu baregwa muri TPIY cyangwa muri TPIR batari mu bayobozi bo mu rwego rwo hejuru kuruta abandi bavugwa mu gika cya 2 cy'iyi Ngingo. Cyakora, hashingiwe kuri iyi Sitati, MICT yacira urubanza bene abo bantu ari uko gusa imaze kugerageza inzira zose zishyize mu gaciro zo kwimurira imanza zabo mu nkiko z'ibihugu ariko bikananirana, nk'uko biteganywa n'Ingingo ya 6 y'iyi Sitati.
4. Nk'uko biteganywa n'iyi Sitati, MICT ifite ububasha bwo gucira imanza,
  - (a) umuntu ubangamiye cyangwa wabangamiye, abizi neza kandi abishaka rwose, imirimo y'ubutabera ya MICT cyangwa y'Inkiko; kandi ikemeza ko uwo muntu ahamwa n'icyaha cyo gusuzugura MICT cyangwa Inkiko; cyangwa
  - (b) umutangabuhamya utanze cyangwa watanze ubuhamya bw'ikinyoma muri MICT cyangwa mu Nkiko, abizi neza kandi abishaka rwose.

Mbere yo gucira urubanza abo bantu, MICT ibanza kureba niba yakohereza bene izo manza abategetsi b'ibihugu nk'uko biteganywa n'Ingingo ya 6 y'iyi Sitati, kandi ikabikora izirikana inyungu z'ubutabera no kwihutisha imirimo.

5. MICT ntifite ububasha bwo gukora inyandiko z'ibirego nshya ku bandi bantu batavugwa muri iyi Ngingo.

## **Ingingo ya 2: Imirimo ya MICT**

Muri manda yayo, MICT isimbuye TPIY na TPIR mu mirimo izi Nkiko zakoraga ivugwa muri iyi Sitati (« imirimo y'insigarira »).

10-70609

R(RM)13-0010(K)

10

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

### **Ingingo ya 3: Amashami ya MICT n'ibyicaro byayo**

MICT ifite amashami abiri: iryashyiriweho TPIY rifite icyicaro cyaryo i La Haye, n'iryashyiriweho TPIR rifite icyicaro cyaryo Arusha.

### **Ingingo ya 4: Imiterere ya MICT**

MICT igizwe n'inzego zikurikira:

- (a) Ingereko zigizwe n'Urugereko rwa Mbere rw'Iremezo kuri buri shami rya MICT n'Urugereko rw'Ubujurire ruhuriweho n'amashami yombi ya MICT;
- (b) Ibiro bya Porokireri bihuriweho n'ayo mashami yombi ya MICT;
- (c) Ibiryo bya Gerefiye bihuriweho n'ayo mashami yombi ya MICT bishinzwe imirimo y'ubutegetsi bwa MICT, harimo Ingereko n'Ibiro bya Porokireri.

### **Ingingo ya 5: Ububasha buhuriranye**

1. MICT n'inkiko z'ibihugu bifite ububasha buhuriranye bwo gucira imanza abantu barebwa n'Ingingo ya 1 y'iyi Sitati.
2. MICT ifite ububasha busumbye ubw'inkiko z'ibihugu, nk'uko biteganwa n'iyi Sitati. Aho urubanza rwaba rugeze hose ruburanishwamo abantu barebwa n'igika cya 2 cy'Ingingo ya 1 y'iyi Sitati, MICT ishobora, binyuze mu nzira ziteganyijwe, gusaba inkiko z'ibihugu kurwikura zikaruyohereza nk'uko biteganywa n'iyi Sitati n'Amategeko Agenga Imiburanishirize n'Itangwa ry'ibimenyetso yayo.

### **Ingingo ya 6: Kohereza imanza mu nkiko z'ibihugu**

1. MICT ifite ububasha bwo kohereza abategetsi b'igihugu runaka imanza z'abantu bavugwa mu gika cya 3 cy'Ingingo ya 1 y'iyi Sitati kandi igomba gukora ibishoboka byose ngo bigerweho, nk'uko biteganywa n'igika cya 2 n'icya 3 by'iyi Ngingo. MICT ifite n'ububasha bwo kohereza abo bategetsi imanza z'abantu bavugwa mu gika cya 4 cy'Ingingo ya 1 y'iyi Sitati.
2. Iyo inyangirakurikira y'ibirego yamaze kwemezwa, ariko mbere y'uko iburanisha ritangira, hatitaweho ko uregwa afungiyeye cyangwa adafungiyeye muri gereza ya MICT, Perezida ashobora kugena Urugereko rwa Mbere rw'Iremezo rushinzwe gusuzuma niba urubanza rwakoherezwa abategetsi b'igihugu:
  - (i) icyaha cyakorewemo; cyangwa
  - (ii) uregwa yafatiwemo; cyangwa
  - (iii) gifite ububasha n'ubushake bwo kuburanisha urwo rubanza kandi kibyiteguye, kugira ngo abo bategetsi barushyikirize bidatinze urukiko rubifitiye ububasha muri icyo gihugu.
3. Mu gihe rusuzuma niba ari ngombwa kohereza mu kindi gihugu urubanza rw'umuntu urebwa n'igika cya 3 cy'Ingingo ya 1 y'iyi Sitati hakurikijwe ibivugwa mu gika cya 2 haruguru, Urugereko rwa Mbere rw'Iremezo ruzirikana, nk'uko biteganywa n'Icyemezo 1534 (2004) cy'Inama Ishinzwe Amahoro ku Isi, uburemere bw'ibyaha biregerwa n'umwanya uwo muntu yari arimo mu buyobozi.
4. Urugereko rwa Mbere rw'Iremezo rushobora gufata icyo cyemezo cyo kohereza urubanza mu kindi gihugu rubyibwirije cyangwa rubisabwe na Porokireri ariko rumaze kumva icyifuzo cya Porokireri, n'icy'uregwa icyo bishoboka, kandi rukabikora rumaze

kubona neza ko uregwa azacirwa urubanza mu buryo buboneye ndetse ko atazakatirwa igihano cy'urupfu cyangwa ngo anyongwe.

5. MICT ikurikirana imanza TPIY na TPIR zohereje mu nkiko z'ibihugu ndetse n'imanza zoherejweyo hashingiwe kuri iyi Ngingo, ibifashijwemo n'imiryango mpuzamahanga n'iyo mu karere.
6. Nyuma y'itegeko rya TPIY, TPIR cyangwa MICT ryo kohereza urubanza mu gihugu runaka ariko mbere y'uko urukiko rw'icyo gihugu ruhamya uregwa icyaha cyangwa rukimuhanaguraho, iyo rusanze bigaragara ko urwo rukiko rutacyubahiriza ibyasabwe mu cyemezo cyo kwimura urubanza kandi rugasanga biri mu nyungu z'ubutabera, Urugereko rwa Mbere rw'Iremezo rushobora gukuraho icyemezo cyarwo rubyibwirije cyangwa rubisabwe na Porokireri, ariko rumaze guha abategetsi b'igihugu bireba umwanya wo kwisobanura maze rugasaba, binyuze mu nzira zateganyijwe, urukiko rw'icyo gihugu kwikura urwo rubanza.

**Ingingo ya 7: Ihame ryo kudakurikiranwa kabiri ku cyaha kimwe (*Non bis in idem*)**

1. Nta muntu ushobora gukurikiranwa n'inkiko z'ibihugu ku bikorwa byo kunyuranya bikomeye n'amategeko mpuzamahanga arengera abantu mu gihe cy'intambara iyo yamaze kubiburanishwaho na TPIY, TPIR cyangwa MICT.
2. Umuntu urebwa n'Ingingo ya 1 y'iyi Sitati waburanishijwe n'urukiko rw'igihugu ku bikorwa byo kunyuranya bikomeye n'amategeko mpuzamahanga arengera abantu mu gihe cy'intambara ntashobora nyuma yaho kuburanishwa na MICT kereka iyo:
  - (a) Igikorwa yaburanishijweho cyafashwe nk'icyaha gisanzwe; cyangwa

- (b) Urukiko rutaburanishije urubanza mu bwigenge cyangwa nta kubogama, iyo iburanisha ryari rigamije gukingira ikibaba uregwa ngo ataryozwa icyaha mu rwego mpuzamahanga cyangwa iyo urwo rubanza rutaburanishijwe neza.
3. Mu kugena igihano cyahabwa umuntu uhamwe n'icyaha giteganywa n'iyi Sitati, MICT igomba kuzirikana igihano icyo ari cyo cyose yarangije yari yarakatiwe n'urukiko rw'igihugu kubera ibikorwa bimwe.

### **Ingingo ya 8: Lisiti y'abacamanza**

1. MICT iba ifite lisiti y'abacamanza bigenga 25 (« abacamanza ba MICT ») kandi abakomoka mu gihugu kimwe ntibashobora kurenga babiri.
2. Mu gukora ilisiti, umuntu wese wafatwa nk'ufite ubwenegihugu bw'igihugu kirenze kimwe, afatwa nk'aho akomoka mu gihugu asanzwe akoresherezamo uburenganzira bwe mu bya politiki no mu by'imbonezamubano.
3. Abacamanza ba MICT baba gusa ku byicaro by'amashami ya MICT igihe bakenewe bisabwe na Perezida kugira ngo bakore imirimo isaba ko baba bahari. Iyo bishoboka kandi na Perezida abyemeje, bashobora gukorera imirimo yabo ahandi hantu hatari ku byicaro by'amashami ya MICT.
4. Abacamanza ba MICT ntibahabwa umushahara cyangwa ibindi bintu kubera gusa ko bari kuri lisiti. Kuri buri munsu bakozeho akazi ka MICT, abacamanza ba MICT bagenerwa ibintu bimwe n'ibigenerwa abacamanza badahoraho b'Urukiko Mpuzamahanga Ruhoraho rw'Umuryango w'Abibumbye (*International Court of Justice*). Perezida wa MICT agenerwa ibintu bimwe n'ibigenerwa abacamanza bahoraho b'Urukiko Mpuzamahanga Ruhoraho rw'Umuryango w'Abibumbye (*International Court of Justice*).

10-70609

R(RM)13-0010(K)

14

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

### **Ingingo ya 9: Ibyo abacamanza bagomba kuba bujuje**

1. Abacamanza bagomba kuba ari abantu b'indakemwa mu mico no mu myifatire, barangwa no kutabogama no kuba inyangamugayo kandi bujuje ibyangombwa bituma mu bihugu byabo bahabwa imirimo y'ubucamanza yo mu rwego rwo hejuru. Hazirikanwa, by'umwihariko, uburambe abo bacamanza bafite mu kazi ka TPIY cyangwa ka TPIR.
2. Mu kugena abacamanza bo mu Rugereko rwa Mbere rw'Iremezo n'abo mu rw'ubujurire, hazirikanwa uko bikwiye uburambe abacamanza bafite mu mategeko mpanabyaha, mu mategeko mpuzamahanga harimo n'amategeko arengera abantu mu gihe cy'intambara, ndetse n'amategeko arengera uburenganzira bwa muntu.

### **Ingingo ya 10: Itorwa ry'abacamanza**

1. Abacamanza ba MICT batorwa n'Inteko Rusange y'Umuryango w'Abibumbye ishingiyeye kuri lisiti itangwa n'Inama Ishinzwe Amahoro ku Isi, binyuze mu nzira zikurikira:
  - (a) Umunyamabanga Mukuru asaba ibihugu bigize Umuryango w'Abibumbye n'ibitawugize ariko bifite intumwa z'indorerenzi zihoraho ku cyicaro cy'Umuryango, gutanga abakandida bo kujya kuri lisiti y'abacamanza ba MICT, hakibandwa cyane cyane ku bantu babaye abacamanza muri TPIY cyangwa TPIR;
  - (b) Mu gihe cy'iminsi mirongo itandatu uhereye ku itariki Umunyamabanga Mukuru yasabiyeho abakandida, buri gihugu gishobora gutanga amazina y'abantu batarenze babiri bujuje ibisabwa mu gika cya 1 cy'Ingingo ya 9 y'iyi Sitati;

10-70609

R(RM)13-0010(K)

15

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

- (c) Umunyamabanga Mukuru ashyikiriza Inama Ishinzwe Amahoro ku Isi amazina y'abakandida yagejejweho. Ihereye kuri ayo mazina, iyo Nama ikora ilisiti y'abakandida batari muni ya 30 izirikana ibyo bagomba kuba bujuje nk'uko bivugwa mu gika cya 1 cy'Ingingo ya 9, inazirikana ko hagomba gutoranywa abacamanza bakomoka mu miryango remezo y'amategeko y'ingenzi ku isi, mu buryo busaranganyije;
- (d) Perezida w'Inama Ishinzwe Amahoro ku Isi ashyikiriza Perezida w'Inteko Rusange ilisiti y'abakandida. Kuri iyo lisiti, Inteko Rusange itoramo abacamanza 25 ba MICT. Abakandida batorwa ni ababonye amajwi arenze kimwe cya kabiri cy'umubare w'ibihugu bigize Umuryango w'Abibumbye n'ibitawurimo ariko bifite intumwa z'indorererezi zihoraho ku cyicaro cy'Umuryango. Iyo abakandida barenze babiri bahuje ubwenegihugu batowe ku bwiganze bw'amajwi bukenewe, hahita babiri barushije abandi amajwi.
2. Iyo havutse impamvu ituma umucamanza atarangiza manda ye, Umunyamabanga Mukuru, amaze kubivuganaho na Perezida w'Inama Ishinzwe Amahoro ku Isi na Perezida w'Inteko Rusange, ashyiraho umuntu wujuje ibisabwa mu gika cya 1 cy'Ingingo ya 9 y'iyi Sitati kugira ngo arangize manda y'uwo asimbuye.
  3. Abacamanza ba MICT bagira manda y'imyaka ine kandi Umunyamabanga Mukuru ashobora kubaha indi manda amaze kubivuganaho na Perezida w'Inama Ishinzwe Amahoro ku Isi n'uw'Inteko Rusange.
  4. Iyo nta bacamanza basigaye kuri lisiti cyangwa iyo nta mucamanza uri kuri lisiti ushoboye kuboneka kandi bikaba bidashoboka gushyiraho umucamanza usanzwe akorera muri MICT, kandi harakozwe ibishoboka byose ngo aboneke ariko bikananirana, Umunyamabanga Mukuru ashobora, abisabwe na Perezida wa MICT kandi amaze kugisha inama Perezida w'Inama Ishinzwe Amahoro ku Isi n'uw'Inteko

10-70609

R(RM)13-0010(K)

16

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR
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Rusange, gushyiraho umuntu wujuje ibisabwa mu gika cya 1 cy'Ingingo ya 9 y'iyi Sitati kugira ngo abe umucamanza wa MICT.

### **Ingingo ya 11: Perezida**

1. Amaze kugisha inama Perezida w'Inama Ishinzwe Amahoro ku Isi n'abacamanza ba MICT, Umunyamabanga Mukuru ashiraho Perezida uhoraho amutoranyije mu bacamanza ba MICT.
2. Perezida aba ari ku cyicaro cya rimwe mu mashami ya MICT bitewe n'uko imirimo ye ibisaba.

### **Ingingo ya 12: Ishyirwaho cy'abacamanza n'Ingereko**

1. Kugira ngo haburanishwe urubanza urwo ari rwo rwose hashingiwe ku gika cya 2 n'icya 3 by'Ingingo ya 1 y'iyi Sitati cyangwa hasuzumwe ibyerekeranye no kuba urubanza rwakoherezwa mu rukiko rw'igihugu, Perezida ashiraho abacamanza batatu akura kuri lisiti y'abacamanza isanzwe akaba ari bo bagira Inteko y'Urugereko rwa Mbere rw'Iremezo. Atoranya kandi umwe muri bo ngo abe Perezida w'iyi Nteko maze ayobore imirimo y'urwo Rugereko. Mu bindi bihe byose, harimo n'ianza ziburanishwa hashingiwe ku gika cya 4 cy'Ingingo ya 1 y'iyi Sitati, Perezida ashiraho umucamanza umwe rukumbi akura mu bari kuri lisiti kugira ngo aburanishe.
2. Kuri buri shami rya MICT, Perezida ashobora gushyiraho umucamanza w'izamu akura kuri lisiti y'abacamanza ushobora guhita aboneka igihe akenewe, kugira ngo afate ibyemezo, nk'umucamanza umwe rukumbi, ku nyandiko z'ibirego, manda n'ibindi bibazo bitashyikirijwe Urugereko.

3. Perezida wa MICT ni umwe bagize Urugereko rw'Ubujurire kandi ni we ugena abandi bacamanza bagize urwo Rugereko ndetse akanayobora iburanisha mu bujurire. Iyo icyemezo cy'umucamanza umwe rukumbi kijuririwe, Inteko y'Urugereko rw'Ubujurire iba igizwe n'abacamanza batatu. Iyo hatanzwe ubujurire ku cyemezo cy'Urugereko rwa Mbere rw'Iremezo, Inteko y'Urugereko rw'Ubujurire iba igizwe n'abacamanza batanu.
4. Iyo hatanzwe icyifuzo, hashingiwe ku Ngingo ya 24 y'iyi Sitati, gisaba gusubirishamo urubanza rwaciwe n'umucamanza umwe rukumbi cyangwa Urugereko rwa Mbere rw'Iremezo, Perezida ashiraho inteko y'Urugereko rwa Mbere rw'Iremezo igizwe n'abacamanza batatu kugira ngo iburanishe urwo rubanza. Iyo hatanzwe ikirego gisaba gusubirashamo urubanza rwaciwe n'Urugereko rw'Ubujurire, inteko y'Urugereko rw'Ubujurire iburanisha urwo rubanza igomba kuba igizwe n'Abacamanza batanu.
5. Mu bacamanza ba MICT, Perezida ashobora gutoranyamo umucamanza w'umusimbura akaba ahari muri buri cyiciro cy'urubanza, bityo agashobora gusimbura umucamanza udashoboye gukomeza kuba muri iyo nteko y'Urugereko.

### **Ingingo ya 13: Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso**

1. Abacamanza ba MICT bemeza Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso yerekeranye n'imihango ibanziriza iburanisha, iy'iburanisha mu rw'iremezo no mu bujurire, itangwa ry'ibimenyetso, kwita ku batangabuhamya no ku bakorewe ibyaha, n'ibindi bibazo bya ngombwa.
2. Abacamanza ba MICT bashobora guhindura Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso, bakabikora mu nyandiko batiriwe bajya ku cyicaro cya rimwe mu mashami ya MICT.

10-70609

R(RM)13-0010(K)

18

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR
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3. Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso n'ibyahinduwemo bitangira gukurikizwa bikimara kwemezwa n'abacamanza ba MICT kereka iyo Inama Ishinzwe Amahoro ku Isi ibyemeje ukundi.
4. Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso n'ibyahinduwemo bigomba kuba bitanyuranya na Sitati.

#### **Ingingo ya 14: Ibiro bya Porokireri**

1. Porokireri ashinzwe gukora iperereza no gukurikirana abantu barebwa n'Ingingo ya 1 y'iyi Sitati.
2. Ibiro bya Porokireri ni urwego rwihariye rwa MICT, kandi Porokireri akora mu bwigenge busesuye. Nta Leta cyangwa urwego urwo ari rwo rwose bimuha amabwiriza, kimwe n'uko ntawe ayasaba.
3. Ibiro bya Porokireri bigizwe na Porokireri, umukozi ushinzwe ibyo Biro kuri buri shami rya MICT ushyirwaho na Porokireri, n'abakozi babifitiye ubushobozi uko bikenewe nk'uko biteganywa mu gika cya 5 cy'iyi Ngingo. Porokireri aba ari ku cyicaro cya buri shami rya MICT uko ahakenewe mu mirimo ye.
4. Porokireri ashirwaho n'Inama Ishinzwe Amahoro ku Isi ibisabwe n'Umunyamabanga Mukuru w'Umuryango w'Abibumbye. Agomba kuba ari umuntu w'indakemwa mu mico no mu myifatire, afite ubushobozi buhanitse kandi amenyereye cyane imirimo yerekeranye n'iperereza n'ikurikirana ry'imanza nshinjabyaha. Manda ye ni imyaka ine kandi ashobora kongererwa manda. Mu kazi ke, Porokireri agenerwa ibintu bimwe n'iby'Umunyamabanga Mukuru Wungirije w'Umuryango w'Abibumbye (*Under-Secretary-General*).

10-70609

R(RM)13-0010(K)

19

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

5. Ibiro bya Porokireri bigizwe n’abakozi bake ariko bahagije hazirikanwa ko MICT idashinzwe imirimo myinshi, kandi abo bakozi bakorera ku byicaro by’amashami ya MICT. Kugira ngo bishobore guha akazi abakozi b’inyongera mu buryo bwihuse uko bikenewe maze bishobore gukora imirimo yabyo, ibyo Biro bigira lisiti y’abantu babishoboye bashobora guhabwa akazi. Iyo lisiti iba iriho cyane cyane abantu bafite uburambe mu kazi muri TPIY cyangwa TPIR. Abakozi b’Ibiro bya Porokireri bashyirwaho n’Umunyamabanga Mukuru abisabwe na Porokireri.

### **Ingingo ya 15: Ibiro bya Gerefiye**

1. Ibiro bya Gerefiye bishinzwe imirimo y’ubutegetsu n’indi itera inkunga amashami ya MICT.
2. Ibiro bya Gerefiye bigizwe na Gerefiye, umukozi ushinze ibyo Biro ku cyicaro cya buri shami rya MICT ushyirwaho na Gerefiye, n’abandi bakozi ba ngombwa hashingiwe ku gika cya 4 cy’iyi Ngingo. Gerefiye akorera ku cyicaro cya buri shami uko ahakenewe mu mirimo ye.
3. Gerefiye ashirwaho n’Umunyamabanga Mukuru, agahabwa manda y’imyaka ine kandi ashobora kongererwa manda. Mu kazi ke, agenerwa ibintu bimwe n’iby’umufasha w’Umunyamabanga Mukuru w’Umuryango w’Abibumbye (*Assistant Secretary-General*).
4. Ibiro bya Gerefiye bigira abakozi bake ariko bahagije hazirikanwa ko MICT idashinzwe imirimo myinshi, kandi abo bakozi bakorera ku byicaro by’amashami ya MICT. Kugira ngo bishobore guha akazi abakozi b’inyongera mu buryo bwihuse uko bikenewe maze bishobore gukora imirimo yabyo, ibyo Biro bigira ilisiti y’abantu babishoboye bashobora guhabwa akazi, kandi iyo lisiti iba igizwe cyane cyane n’abantu bafite

10-70609

R(RM)13-0010(K)

20

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR
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uburambe mu kazi muri TPIY cyangwa muri TPIR. Abakozi b'Iburo bya Gerefiye bashyirwaho n'Umunyamabanga Mukuru abisabwe na Gerefiye.

### **Ingingo ya 16: Iperereza n'itegurwa ry'inwandiko y'ibirego**

1. Porokireri afite ububasha bwo gukora iperereza ku bantu bavugwa mu Ngingo ya 1 y'iyi Sitati. Porokireri ntafite ububasha bwo gutegura inwandiko z'ibirego nshya ku bantu batarebwa n'Ingingo ya 1 y'iyi Sitati.
2. Porokireri afite ububasha bwo kubaza abakekwaho ibyaha, abakorewe ibyaha, abatangabuhamya, n'ubwo gukusanya ibimenyetso no gukorera iperereza ahantu ibyaha byakorewe. Muri ako kazi ke, iyo bibaye ngombwa, asaba inkunga abategetsi b'igihugu kirebwa n'iby akeneye.
3. Mu igihe abazwa, umuntu wese ukekwa icyaha afite uburenganzira bwo kunganirwa na avoka yihitiyemo, n'ubwo kumugenerwa ku buntu iyo adafite ubushobozi bwo kumuhemba. Agomba no gusemurirwa mu rurimi avuga kandi yumva, iyo bibaye ngombwa.
4. Iyo Porokireri abona ko hari ibimenyetso bikomeye bishinja umuntu ukekwa icyaha maze akiyemeza kumukurirana, icyo gihe ategura inwandiko y'ibirego irimo incamake y'ibyabaye n'icyaha cyangwa ibyaha uregwa ashinjwa biteganywa na Sitati. Iyo nyandiko y'ibirego ishyikirizwa umucamanza w'izamu cyangwa umucamanza umwe rukumbi ugenwa na Perezida.

### **Ingingo ya 17: Gusuzuma inwandiko y'ibirego**

1. Inwandiko y'ibirego isuzumwa n'umucamanza w'izamu cyangwa umucamanza umwe rukumbi ugenwa na Perezida. Iyo abona ibimenyetso Porokireri ashingiraho bihagije

10-70609

R(RM)13-0010(K)

21

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

kugira ngo habeho ikurikiranacyaha, uwo mucamanza yemeza iyo nyandiko y'ibirego. Iyo ibimenyetso bidahagije, yemeza ko iyo nyandiko idafite ishingiro.

2. Iyo yemeje inyandiko y'ibirego, umucamanza atanga, abisabwe na Porokireri, urupapuro rwo gufata, urwo gufunga, urwo kuzana ku gahato cyangwa kwimura uwafashwe, n'ibindi byemezo byose bya ngombwa ngo urubanza ruburanishwe.

### **Ingingo ya 18: Gutangira urubanza no kuruburanisha**

1. Umucamanza umwe rukumbi cyangwa Urugereko rwa Mbere rw'Iremezo baburanisha urubanza bakora ibishoboka byose kugira ngo urubanza rucibwe ku buryo buboneye kandi vuba, hakurikijwe Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso, hubahirijwe ku buryo bwuzuye uburenganzira bw'uregwa kandi harindwa, ku buryo bukwiye, umutekano w'abakorewe ibyaha n'uw'abatangabuhamya.
2. Iyo inyandiko y'ibirego imaze kwemezwa, uregwa ahita afatwa hakurikijwe itegeko cyangwa urupapuro rwo gufata byatanzwe na MICT, agahita amenyeshwa ibyaha aregwa hanyuma agashyikirizwa MICT.
3. Umucamanza umwe rukumbi cyangwa Urugereko rwa Mbere rw'Iremezo rugenwa na Perezida basoma inyandiko y'ibirego, bakaganzura niba uburenganzira bw'uregwa bwubahirizwa, bakamubaza niba asobanukiwe n'ibiri mu nyandiko y'ibirego, noneho bakamubaza niba yemera cyangwa ahakana ibyo aregwa. Nyuma y'ibyo, umucamanza umwe rukumbi cyangwa Urugereko rwa Mbere rw'Iremezo bashyiraho itariki y'iburanisha.
4. Iburanisha ribera mu ruhamwe keretse iyo umucamanza umwe rukumbi cyangwa Urugereko rwa Mbere rw'Iremezo bemeje kuburanishiriza mu muhezo, hakurikijwe Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso.

10-70609

R(RM)13-0010(K)

22

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

### **Ingingo ya 19: Uburenganzira bw'uregwa**

1. Abantu bose barareshya imbere ya MICT.
2. Haseguriwe ibiteganywa n'Ingingo ya 20 y'iyi Sitati, umuntu wese warezwe afite uburenganzira bwo kuburanishwa mu ruhame kandi mu buryo buboneye.
3. Umuntu wese warezwe afatwa nk'umwere kugeza igihe icyaha kimuhamiye hakurikijwe ingingo z'iyi Sitati.
4. Umuntu wese warezwe hakurikijwe iyi Sitati afite uburenganzira, mu burunganire busesuye, nibura kuri ibi bikurikira:
  - a) Kumenyeshwa bidatinze, mu rurimi yumva kandi ku buryo burambuye, imiterere y'ibyaha ashinjwa n'impamvu bashingiraho bamurega;
  - b) Guhabwa igihe n'ibyangombwa bikwiye kugira ngo ategure imyiregurire ye no kwemerwa gushyikirana n'umwunganira yihitiyemo;
  - c) Gucirwa urubanza ku buryo butazaririye;
  - d) Kuburanishwa ahibereye no kwiregura ubwe cyangwa kunganirwa na avoka yihitiyemo. Iyo atamufite, amenyeshwa ko afite uburenganzira bwo kumugira kandi, n'igihe cyose bisaba ko inyungu z'ubutabera zirengerwa, akagenerwa umwunganira ku buntu iyo adafite ubushobozi bwo kumuhemba;
  - e) Kubaza cyangwa kugira umubariza abatangabuhamya bamushinja, no kwemererwa ko abatangabuhamya bamushinjura bahamagarwa muri MICT kandi bakabazwa mu buryo bumwe n'ubuteganyirizwa abamushinja;

10-70609

R(RM)13-0010(K)

23

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

- f) Guhabwa ku buntu umusemuzi iyo atumva cyangwa atavuga ururimi rukoresha mu iburanisha;
- g) Kudahatirwa kwishinje cyangwa kwemera icyaha.

### **Ingingo ya 20: Kurinda umutekano w'abakorewe ibyaha n'uw'abatangabuhamya**

Mu Mategeko Agenga Imiburanishirize n'Itangwa ry'ibimenyetso yayo, MICT iteganya ingamba zo kurinda umutekano w'abakorewe ibyaha n'uw'abatangabuhamya muri TPIY, TPIR na MICT. Mu byo izo ngamba zigomba guteganya, harimo kuburanishiriza mu muhezo no kutasasa umwirondoro w'abakorewe ibyaha n'uw'abatangabuhamya.

### **Ingingo ya 21: Imikirize y'imanza**

1. Umucamanza umwe rukumbi cyangwa Urugereko rwa Mbere rw'Iremezo baca imanza kandi bakagenera ibihano abantu barebwa n'Ingingo ya 1 y'iyi Sitati bahamijwe ibyaha na MICT.
2. Imanza zose zicibwa mu ruhamye, zamara gusomwa hagatangwa inyandiko z'imanza zigaragaza impamvu y'imikirize yazo. Imanza zicibwa ku bwiganze bw'amajwi kandi ibitekerezo byihariye by'abacamanza cyangwa ibinyuranye n'iby'abandi bishobora komekwa ku nyandiko z'imanza.

### **Ingingo ya 22: Ibihano**

1. Abantu barebwa n'igika cya 2 n'icya 3 by'Ingingo ya 1 y'iyi Sitati bakatirwa gusa igihano cy'igifungo. Abantu barebwa n'igika cya 4 cy'Ingingo ya 1 y'iyi Sitati bakatirwa igihano cy'igifungo kitarenze imyaka irindwi cyangwa ihazabu y'amafaranga



igenwa mu Mategoko Agenga Imiburanishirize n'Itangwa ry'ibimenyetso, cyangwa byombi.

2. Mu kugena igihano cy'igifungo, umucamanza umwe rukumbi cyangwa Urugereko rwa Mbere rw'Iremezo bifashisha urutonde rusange rw'ibihano rukurikizwa n'inkiko z'icyahoze cyitwa Yugosilaviya n'izo mu Rwanda.
3. Mu kugena igihano, umucamanza umwe rukumbi cyangwa Urugereko rwa Mbere rw'Iremezo bazirikana ibintu binyuranye, nk'uburemere bw'icyaha n'ibindi bintu byihariye birebana n'uhamwe n'icyaha.
4. Uretse igihano cyo gufunga uwakatiwe, umucamanza umwe rukumbi cyangwa Urugereko rwa Mbere rw'Iremezo bashobora gutegeka ko ibintu byose n'umutungo uwakatiwe yabonye mu nzira zinyuranyije n'amategoko bisubizwa ba nyirabyo, ndetse hakaba hakoreshwa n'ingufu.

### **Ingingo ya 23: Ubujurire**

1. Urugereko rw'Ubujurire rwakira ubujurire butanzwe n'abakatiwe cyangwa butanzwe na Porokireri, bushingiye ku mpamvu zikurikira:
  - (a) Ikosa ryo mu rwego rw'amategoko rituma icyemezo cyavanwaho; cyangwa
  - (b) Ikosa ku byabaye ryatumye urubanza rucibwa nabi.
2. Urugereko rw'Ubujurire rushobora kugumishaho, kvanaho cyangwa gusubiramo ibyemezo byafashwe n'umucamanza umwe rukumbi cyangwa n'Urugereko rwa Mbere rw'Iremezo.

### **Ingingo ya 24: Gusubirishamo urubanza**

Iyo habonetse ikimenyetso gishya ku byabaye kitari kizwi igihe urubanza rwaburanishwaga n’umucamanza umwe rukumbi, n’Urugereko rwa Mbere rw’Iremezo rwa TIPY, TPIR cyangwa MICT, kandi bigaragara ko icyo kimenyetso cyari kuba kamara mu gufata icyemezo, uwahamijwe icyaha ashobora gusaba MICT gusubiramo urubanza. Porokireri na we ashobora kubisaba mu gihe kitarenze umwaka uhereye ku munsu urubanza rwaciriweho burundu. Nyuma y’isuzuma ryo mu ikubitiro, iyo ku bwiganze bw’amajwi Urugereko rwemeje ko iyo icyo kintu cyabaye kiza kuba cyaragaragajwe byari kuba kamara mu gufata icyemezo, icyo gihe ni bwo bwonyine Urugereko rusubiramo urubanza.

### **Ingingo ya 25: Irangizwa ry’ibihano**

1. Ibihano by’igifungo birangirizwa mu gihugu cyagenwe na MICT mu biri kuri lisiti y’ibihugu byagiranye amasezerano n’Umuryango w’Abibumbye kuri iki kibazo. Ibyo bihano birangizwa nk’uko amategeko y’igihugu bireba abiteganyaga, ariko bikagenzurwa na MICT.
2. MICT ifite ububasha bwo kugenzura uburyo ibihano byatanzwe na TPIY, TPIR na MICT birangizwa, ndetse ikanagenzura iyubahirizwa ry’amasezerano Umuryango w’Abibumbye wagiranye n’ibihugu ku byerekeranye n’irangizwa ry’ibihano, n’iry’andi masezerano uwo Umuryango wagiranye n’indi miryango mpuzamahanga, iyo mu karere ndetse n’indi.

### **Ingingo ya 26: Imbabazi n’igabanyagihano**

Iyo umuntu wakatiwe na TPIY, TPIR cyangwa MICT ashobora guhabwa imbabazi cyangwa kugabanyirizwa igihano hakurikijwe amategeko y’igihugu afungiyemo, icyo gihugu

10-70609

R(RM)13-0010(K)

26

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

kibimenyesha MICT. Imbabazi cyangwa igabanyagihano bitangwa iyo Perezida wa MICT abyemeye akurikije inyungu z'ubutabera kandi ashingiye ku mahame rusange y'amategeko.

### **Ingingo ya 27: Imicungire y'ubushyinguranyandiko**

1. Bitabangamiye ibyo uwatanze amakuru cyangwa inyandiko yasabye cyangwa yumvikanyeho n'ababihawe, ubushyinguranyandiko bwa TPIY, TPIR na MICT bukomeza kuba umutungo w'Umuryango w'Abibumbye. Ubwo bushyinguranyandiko ntibuvogerwa aho bwaba buri hose, nk'uko biteganywa n'icyiro cya 4 cy'Amasezerano yerekeranye n'uburenganzira bwihariye n'ubudahangarwa by'Umuryango w'Abibumbye yo ku itariki ya 13 Gashyantare 1946.
2. MICT ishinzwe gucunga ubushyinguranyandiko, harimo n'ibyerekeranye no kubika amakuru n'inyandiko n'ibyerekeranye no kubigeraho. Ubushyinguranyandiko bwa TPIY na TPIR buba buri ku cyicaro kimwe n'ikiriho ishami rya MICT bijyanye.
3. Mu gucunga ibyerekeranye no kugera ku bushyinguranyandiko, MICT ikora ku buryo ikomeza kurinda amakuru agomba kugirirwa ibanga, harimo n'amakuru yerekeye abatangabuhamya barindiwe umutekano n'amakuru yatanzwe mu buryo bw'ibanga. Kugira ngo bigerweho, MICT ishyiraho uburyo bwo gucunga umutekano w'amakuru no kugenzura uburyo bwo kuyageraho mu byerekeranye, nk'urugero, no kutamenyekanisha ibiri mu bushyinguranyandiko, no gushyira ahagaragara amakuru atakiri ibanga, bibaye ngombwa.

### **Ingingo ya 28: Ubufatanye no guterana inkunga mu rwego rw'ubucamanza**

1. Ibihugu bifatanye na MICT mu gushakisha no gucira imanza abantu barebwa n'Ingingo ya 1 y'iyi Sitati.

10-70609

R(RM)13-0010(K)

27

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

2. Ibihugu byubahizira, nta kuzarira, icyifuzo cyose gisaba gufasha MICT cyangwa ibyemezo bifashwe n'umucamanza umwe rukumbi cyangwa Urugereko rwa Mbere rw'Iremezo ku byerekeranye n'imanza z'abantu barebwa n'Ingingo ya 1 y'iyi Sitati, cyane cyane mu:
- (a) gutahura abantu no kumenya aho babarizwa;
  - (b) gufata ubuhamya no gutanga ibimenyetso;
  - (c) kohereza amadosiye;
  - (d) gufata cyangwa gufunga abantu;
  - (e) kwimura abaregwa cyangwa kubashyikiriza MICT.
3. MICT yubahiriza ibisabwa n'inkiko z'ibihugu mu byerekeranye no kubifasha gushakisha, gukurikirana no gucira imanza abantu bakoze ibikorwa binyuranyije bikomeye n'amategeko mpuzamahanga arengera abantu mu gihe cy'intambara mu cyahoze cyitwa Yugosilaviya no mu Rwanda. Mu byo ikora, harimo, aho bikenewe, gutanga inkunga mu gushakisha abantu bahunze ubutabera ariko TPIY, TPIR cyangwa MICT bikaba byarohereje imanza zabo abategetsi b'ibyo bihugu.

**Ingingo ya 29: Urwego MICT irimo, uburenganzira bwihariye  
n'ubudahangarwa byayo**

1. Amasezerano yerekeye uburenganzira bwihariye n'ubudahangarwa by'Umuryango w'Abibumbye yo ku itariki ya 13 Gashyantare 1946 yubahirizwa no kuri MICT, ubushyinguranyandiko bwa TPIY, TPIR na MICT, abacamanza, Porokireri na Gerefiye no ku bakozi bo mu biro byabo.
2. Perezida, Porokireri na Gerefiye bafite uburenganzira bwihariye n'ubudahangarwa, barasonerwa ndetse bakorohererwa mu buryo bumwe n'ubw'abahagarariye ibihugu

10-70609

R(RM)13-0010(K)

28

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR
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byabo mu mahanga, nk'uko amategeko mpuzamahanga abiteganywa. Abacamanza ba MICT na bo bafite uburenganzira bwihariye n'ubudahangarwa, barasonerwa kandi bakoroherezwa, igihe bari mu kazi ka MICT.

3. Abakozi bo mu biro bya Porokireri n'abo mu biro bya Gerefiye bafite uburenganzira bwihariye n'ubudahangarwa bimwe nk'iby'abakozi b'Umuryango w'Abibumbye, nk'uko biteganywa n'Ingingo ya V n'ya VII z'Amasezerano avugwa mu gika cya 1 cy'iyi Ngingo.
4. Abavoka bunganira abaregwa bafite icyemezo kigaragaza ko bemerewe kunganira abaregwa muri MICT, mu mirimo bakorera MICT kandi MICT imaze kumenyesha igihugu bagiyemo ko bagiyeyo mu butumwa ndetse n'amatariki bahagerera n'ayo bahavira, bafite uburenganzira bwihariye n'ubudahangarwa nk'ibihabwa impuguke ziri mu butumwa bw'Umuryango w'Abibumbye, hakurikijwe ibiteganywa kuva ku gika a) kugera kuri c) by'Icyiciro cya 22 n'icya 23 by'Ingingo ya VI y'Amasezerano avugwa mu gika cya 1 cy'iyi Ngingo. Bitabangamiye uburenganzira bwihariye n'ubudahangarwa byabo, abavoka bunganira abaregwa bafite ubwo burenganzira bwihariye n'ubwo budahangarwa bafite inshingano yo kubahiriza amategeko n'amabwiriza y'igihugu bagiyemo.
5. Abandi bantu, barimo n'abaregwa, bakenewe ku byicarwo bya MICT bagenerwa ibintu bya ngombwa kugira ngo imirimo ya MICT igende neza.

### **Ingingo ya 30: Imari ikoreshwa na MICT**

Imari ikoreshwa na MICT ituruka ku ngengo y'imari isanzwe y'Umuryango w'Abibumbye, nk'uko biteganywa n'Ingingo ya 17 y'Itegeko Shingiro ry'uwo Muryango.

### **Ingingo ya 31: Indimi zikoreshwa**

Indimi zikoreshwa na MICT ni icyongereza n'igifaransa.

### **Ingingo ya 32: Raporo**

1. Buri mwaka, Perezida wa MICT ageza raporo yayo ku Nama Ishinzwe Amahoro ku Isi no ku Nteko Rusange.
2. Buri mezi atandatu, Perezida na Porokireri bageza raporo ku Nama Ishinzwe Amahoro ku Isi igaragaza aho imirimo ya MICT igeze.

## UMUGEREKA WA 2

### Ingingo z'inzibacyuho

#### Ingingo ya 1 — Imanza mu rw'iremezo

1. TPIY na TPIR zifite ububasha bwo kurangiza imanza zose cyangwa imihango yose yo kohereza imanza mu gihugu runaka bizaba bitararangira ku itariki ishami rya MICT rijyanye na buri Rukiko rizatangiriraho imirimo yaryo.
2. Iyo umuntu wahunze ubutabera uregwa na TPIY cyangwa na TPIR afashwe hasigaye amezi arenga 12 ngo ishami rya MICT bireba ritangire imirimo yaryo cyangwa iyo Urugereko rw'Ubujurire rutegetse ko urubanza rusubirwamo hasigaye amezi arenga atandatu ngo ishami rya MICT bireba ritangire imirimo yaryo, icyo gihe TPIY cyangwa TPIR zifite ububasha bwo kuburanisha uwo muntu nk'uko biteganywa na Sitati n'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso byazo, cyangwa, iyo bibaye ngombwa, kohereza urwo rubanza abategetsi b'igihugu runaka.
3. Iyo umuntu wahunze ubutabera uregwa na TPIY cyangwa TPIR afashwe hasigaye amezi atarenze 12 ngo ishami rya MICT bireba ritangire imirimo yaryo cyangwa iyo hategetswe ko urubanza rusubirwamo hasigaye amezi atarenze atandatu ngo ritangire iyo mirimo, TPIY cyangwa TPIR biba bifite gusa, hakurikijwe ibiteganywa na Sitati n'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso byazo, ububasha bwo gutegura iburanisha ry'urubanza rw'uwo muntu cyangwa, iyo bibaye ngombwa, kurwoherereza abategetsi b'igihugu runaka. Guhera ku itariki buri shami ryayo ritangiriyeho imirimo yaryo, MICT iba ifite ububasha kuri uwo muntu nk'uko biteganywa n'Ingingo ya 1 y'iyi Sitati, harimo n'ubwo kumuburanisha cyangwa, iyo bibaye ngombwa kohereza urubanza rwe mu gihugu runaka.

10-70609

R(RM)13-0010(K)

31

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

4. Iyo, ku itariki ishami rya MICT bireba ritangiriyeho imirimo yaryo cyangwa nyuma y'iyi tariki, umuntu wahunze ubutabera uregwa na TPIY cyangwa TPIR afashwe cyangwa iyo hategetswe ko urubanza rusubirwamo, MICT iba ifite ububasha bwo kuburanisha uwo muntu hashingiwe ku Ngingo ya 1 ya Sitati yayo.

### **Ingingo ya 2 — Imanza mu bujurire**

1. TPIY na TPIR zifite ububasha bwo kuburanisha no kurangiza imanza zose z'ubujurire iyo ubujurire ku mikirize y'urubanza cyangwa ku gihano bwatanzwe mbere y'itariki ishami rya MICT bireba rigomba gutangiriraho imirimo yaryo.
2. MICT ifite ububasha bwo kuburanisha no kurangiza imanza zose zo mu bujurire iyo ubujurire ku mikirize y'urubanza cyangwa ku gihano bwatanzwe ku itariki ishami rya MICT bireba rigomba gutangiriraho imirimo yaryo cyangwa nyuma y'iyi tariki.

### **Ingingo ya 3 — Gusubirishamo urubanza**

1. TPIY na TPIR zifite ububasha bwo kuburanisha no kurangiza imanza zose zigomba gusubirwamo iyo ibyifuzo bisaba kuzisubirishamo byatanzwe mbere y'itariki ishami rya MICT bireba rigomba gutangiriraho imirimo yaryo.
2. MICT ifite ububasha bwo kuburanisha no kurangiza imanza zose zigomba gusubirwamo iyo ibyifuzo bisaba kuzisubirishamo byatanzwe ku itariki ishami rya MICT bireba rigomba gutangiriraho imirimo yaryo cyangwa nyuma y'iyi tariki.



#### **Ingingo ya 4 — Gusuzugura Urukiko n’ubuhamya bw’ikinyoma**

1. TPIY na TPIR zifite ububasha bwo kuburanisha no kurangiza imanza zose zerekeranye no gusuzugura Urukiko no gutanga ubuhamya bw’ikinyoma iyo inyandiko y’ibirego kuri ibyo byaha yemejwe mbere y’itariki ishami rya MICT bireba rigomba gutangiriraho imirimo yaryo.
2. MICT ifite ububasha bwo kuburanisha no kurangiza imanza zose zerekeranye no gusuzugura Urukiko no gutanga ubuhamya bw’ikinyoma iyo inyandiko y’ibirego kuri ibyo byaha yatanzwe ku itariki ishami rya MICT bireba rigomba gutangiriraho imirimo yaryo cyangwa nyuma y’iyo tariki.

#### **Ingingo ya 5 — Kurinda umutekano w’abakorewe ibyaha n’uw’abatangabuhamya**

1. TPIY na TPIR zirinda umutekano w’abakorewe ibyaha n’uw’abatangabuhamya, zigakora imirimo yose y’ikurikiranacyaha n’iyo kuburanisha imanza zose zifitiye ububasha bwo kuburanisha, hashingiwe ku biteganywa kuva ku Ngingo ya 1 kugera ku ya 4 z’uyu mugereka.
2. MICT irinda umutekano w’abatangabuhamya n’uw’abakorewe ibyaha, ikanakora imirimo yose y’ikurikiranacyaha n’iyo kuburanisha imanza zose ifitiye ububasha bwo kuburanisha, hashingiwe ku biteganywa kuva ku Ngingo ya 1 kugera ku ya 4 z’uyu mugereka.
3. MICT irinda umutekano w’abakorewe ibyaha n’uw’abatangabuhamya, ikanakora imirimo yose y’ikurikiranacyaha n’iyo kuburanisha iyo umuntu yakorewe icyaha cyangwa ari umutangabuhamya mu manza zinyuranye MICT, TPIY cyangwa TPIR zifitiye ububasha bwo kuburanisha hashingiwe ku biteganywa kuva ku Ngingo ya 1 kugera ku ya 4 y’uyu mugereka.

10-70609

R(RM)13-0010(K)

33

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

4. TPIY na TPIR zifata ingamba zose za ngombwa kugira ngo imirimo yo kurinda abatangabuhamyana n'abakorewe ibyaha yimurirwe muri MICT bidatinze kandi mu buryo bunoze ku byerekeranye n'ianza zose zarangiye. Kuva amashami yayo atangiye gukora, MICT ikora imirimo yose y'ikurikiranacyaha n'iy'iburanisha yerekeranye n'ibibazo byo muri urwo rwego.

**Ingingo ya 6 — Kwimura indi mirimo ku buryo inzego bireba zikorana mu buryo bunoze**

TPIY na TPIR, buri Rukiko ku birureba, zikora ibishoboka byose ngo indi mirimo yose yazo yimurirwe muri MICT mu buryo bunoze kandi bidatinze. Muri iyo mirimo harimo no kugenzura uko ibihano birangizwa, gusuzuma ibyifuzo bisaba inkunga bitanzwe n'abategetsib'ibihugu no gucunga amadosiye n'ubushyinguranyandiko. Amashami yayo namara gutangira imirimo, MICT izakora imirimo yose y'ikurikiranacyaha cyangwa iy'iburanisha muri urwo rwego.

**Ingingo ya 7 — Ingingo z'inziyacyuho zerekeranye na Perezida, abacamanza, Porokireri, Gerefiye n'abakozi**

Uretse imirimo iteganywa na Sitati za MICT, TPIY na TPIR,

- (a) Perezida, abacamanza, Porokireri na Gerefiye ba MICT bashobora no gukora imirimo ya Perezida, y'abacamanza, ya Porokireri n'iya Gerefiye ba TPIY cyangwa TPIR;
- (b) Abakozi ba MICT bashobora no kuba ari abakozi ba TPIY cyangwa ba TPIR.