

**UMURYANGO  
W'ABIBUMBYE**

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Urwego Mpuzamahanga Rwashyiriweho Gukora  
Imirimo y'Insigarira y'Inkiko Mpanabyaha

MICT/1/Ihindurwa rya 5

4 Werurwe 2019

Umwimerere:  
icyongereza n'igifaransa

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**AMATEGEKO AGENGA IMIBURANISHIRIZE N'ITANGWA RY'IBIMENYETSO**

**AMATEGEKO AGENGA IMIBURANISHIRIZE N'ITANGWA RY'IBIMENYETSO**

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(Yakosowe ku itariki ya 17 Kanama 2012)

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(Yahinduwe ku itariki ya 4 Werurwe 2019)

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## UMUTWE WA I – Ingingo rusange

### Ingingo ya 1

#### Itariki Amategeko azatangiriraho gukurikizwa

Aya Mategeko Agenga Imiburanishirize n’Itangwa ry’Ibimenyetso yemejwe hashingiwe ku Ngingo ya 13 ya Sitati ya IRMCT, azatangira gukurikizwa akimara kwemezwa n’Abacamanza ba IRMCT, keretse Inama Ishinzwe Amahoro ku Isi iramutse ibitegetse ukundi.

### Ingingo ya 2

#### Ibisobanuro by’amagambo

A) Mu gihe atanyuranyije n’ibikubiye muri aya Mategeko, amagambo avugwa hano hasi yumvikana mu buryo bukurikira:

Amategeko: Amategeko Agenga Imiburanishirize n’Itangwa ry’Ibimenyetso avugwa mu Ngingo ya mbere;

Amabwiriza  
ngengamikorere: Amabwiriza ayo ari yo yose yemejwe na Porokireri hashingiwe ku Ngingo ya 35 A) agamije gutunganya imirimo y’Iburo bye;

Ifatwa Igikorwa cyo gufata no gufunga umuntu ukekwa icyaha cyangwa uregwa hashingiwe ku rwandiko rwo gufata cyangwa ku Ngingo ya 37 y’Amategeko ;

Igihugu:

- i) Igihugu kiri mu Muryango w’Abibumbye cyangwa kitawurimo;
- ii) agace k’igihugu kemerwa n’Itegeko Nshinga rya Bosnie-Herzégovine, by’umwihariko Fédération de Bosnie-Herzégovine na Republika ya Srpska; cyangwa
- iii) agace k’igihugu kishyizeho gakora imirimo nk’iya Leta, kaba gafatwa cyangwa kadafatwa nk’igihugu kihariye;



- Inamarusange y’ Inama nyunguranabitekerezo hagati y’ Abacamanza bose bateraniye hamwe, cyangwa batari ahantu hamwe babicishije mu nyandiko, Abacamanza: bitewe n’uburyo Perezida yahisemo;
- Iperereza: Imirimo yose ikorwa hashingiwe kuri Sitati n’Amategeko hagamijwe gukusanya amakuru n’ibimenyetso byerekeye abantu IRMCT ifite ububasha bwo kuburanisha hashingiwe ku Ngingo ya 1 ya Sitati;
- IRMCT: Urwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y’Inkiko Mpanabyaha, rwashyizweho n’Inama Ishinzwe Amahoro ku Isi mu cyemezo cyayo 1966 cyo ku itariki ya 22 Ukuboza 2010;
- Perezida: Perezida wa IRMCT washyizweho hashingiwe ku Ngingo ya 11 ya Sitati;
- Porokireri: Porokireri washyizweho hashingiwe ku Ngingo ya 14 ya Sitati;
- Sitati: Sitati ya IRMCT yemejwe n’Inama Ishinzwe Amahoro ku Isi mu Cyemezo cyayo 1966 cyo ku itariki ya 22 Ukuboza 2010;
- TPIR: Urukiko Mpanabyaha Mpuzamahanga rushinzwe gucira imanza abantu bakekwaho kuba barakoreye mu Rwanda ibyaha bya jenocide cyangwa ibindi bikorwa binyuranyije bikomeye n’amategeko mpuzamahanga arengera abantu mu gihe cy’intambara, n’Abanyarwanda bakekwaho kuba barabikoreye mu bihugu bituranye n’u Rwanda, hagati y’itariki ya 1 Mutarama 1994 n’iya 31 Ukuboza 1994, rwashyizweho n’Inama Ishinzwe Amahoro ku Isi mu cyemezo cyayo 955 cyo ku itariki ya 8 Ugushyamba 1994;
- TPIY: Urukiko Mpuzamahanga rushinzwe gucira imanza abantu bakekwaho kuba barakoreye ibikorwa binyuranyije bikomeye n’amategeko mpuzamahanga arengera abantu mu gihe cy’intambara mu cyahoze ari Yugosolaviya guhera mu wa 1991, rwashyizweho n’Inama Ishinzwe Amahoro ku Isi mu cyemezo cyayo 827 cyo ku itariki ya 25 Gicurasi 1993 ;

<u>Ubwunganizi:</u>	Uregwa cyangwa uregwa ahagarariwe n’avoka;
<u>Ukekwahe icyaha:</u>	Umuntu wese IRMCT ifiteho amakuru yakwizerwa agaragaza ko yaba yarakoze icyaha IRMCT ifite ububasha bwo kuburanisha;
<u>Umuburanyi:</u>	Porokireri cyangwa Ubwunganizi;
<u>Umucamanza:</u>	Umucamanza watowe cyangwa washyizweho hashingiwe ku Ngingo ya 10 ya Sitati;
<u>Uregwa:</u>	Umuntu wese ushinjwa mu nyandiko y’ibirego yakozwe na TPIY, TPIR cyangwa IRMCT hashingiwe ku Ngingo ya 1 ya Sitati;
<u>Uwakorewe icyaha:</u>	Umuntu wese waba yarakorewe icyaha IRMCT, TPIY cyangwa TPIR bifite ububasha bwo kuburanisha.

- B) Muri aya Mategeko, amagambo akoreshwa nta gutandukanya igitsinagabo n’igitsinagore.
- C) Muri aya Mategeko, aho bikwiye, iyo bavuze Urugereko rwa Mbere rw’Iremezo cyangwa Urugereko, baba bashaka no kuvuga Umucamanza umwe rukumbi uvugwa mu Ngingo ya 12, 1) ya Sitati.

### **Ingingo ya 3**

#### **Indimi**

(Yahinduwe ku itariki ya 26 Nzeri 2016)

- A) Indimi zikoreshwa na IRMCT ni igifaransa n’icyongereza.
- B) Uregwa afite uburenganzira bwo gukoresha ururimi rwe.
- C) Avoka wunganira uregwa ashobora gusaba Umucamanza cyangwa Perezida, bitewe n’ukwiye kugezwaho ikibazo, uruhushya rwo gukoresha urundi rurimi rutari rumwe mu ndimi zombi zikoreshwa mu kazi cyangwa urukoreshwa n’uregwa. Iyo ahawe urwo ruhushya, IRMCT yishingira kuriha umusemuzi amafaranga atarenze ayemejwe n’Umucamanza cyangwa Perezida, niba hari agomba kurihwa, hitaweho uburenganzira bw’uregwa n’inyungu z’ubutabera.

- D) Undi muntu wese witabye IRMCT, uretse avoka wunganira uregwa, ashobora gukoresha ururimi rwe iyo nta na rumwe azi neza mu ndimi zombi zikoreshwa mu kazi.
- E) Gerefiye afata ingamba za ngombwa kugira ngo ibivugwa cyangwa ibyandikwa bisemurwe mu ndimi zikoreshwa na IRMCT.
- F) Iyo
- i) umuburanyi agomba kugira icyo akora mu gihe ntarengwa cyagenwe nyuma y'uko undi muburanyi yamaze gutanga inyandiko ye cyangwa kuyimenyesha uwo bireba ;  
kandi
  - ii) hakurikijwe Amategeko, iyo nyandiko iri mu rurimi rutari rumwe muri izo zombi zikoreshwa na IRMCT,
- igihe ntarengwa gitangira kubarwa uherye igihe umuburanyi usabwa kugira icyo akora yahereweho na Gerefiye ya nyandiko yahinduwe muri rumwe mu ndimi zikoreshwa na IRMCT.
- G) Gerefiye agomba gukora ku buryo inyandiko zihindurwa mu zindi ndimi mu gihe gito gishoboka.

#### **Ingingo ya 4**

##### **Kuburanishiriza ahandi hantu hatari ku cyicaro cy'ishami rya IRMCT**

Kubera inyungu z'ubutabera, kandi Perezida abitangiye uruhushya, Urugereko rushobora kuburanishiriza ahandi hantu hatari ku cyicaro cy'ishami rya IRMCT bireba.

#### **Ingingo ya 5**

##### **Ingaruka zo kutubahiriza Amategeko**

(Yahinduwe ku itariki ya 26 Nzeri 2016)

- A) Iyo umuburanyi abyukije rugikubita ingoboka ivuga ko Amategeko cyangwa Amabwiriza ngengamikorere atubahirijwe, Urugereko rugena ingamba zo kumurenganura iyo rubonye gihamya ko itegeko ryishwe, kandi ko uko kuryica byarenganyije bikomeye uwo muburanyi.

- B) Iyo ingoboka itabyukijwe rugikubita, Urugereko rushobora kugena ingamba zo kurenganura uwabyukije ingoboka igihe icyo ari cyo cyose, iyo hari gihamya ko hari itegeko ryishwe kandi uko kuryica bikaba byaramurenganyije ku buryo bukomeye.
- C) Ingamba zo kurenganura zifatwa n'Urugereko hashingiwe kuri iyi Ngingo ni izo rubona ko zikwiye kugira ngo hubahirizwe amahame remezo y'ubutabera.

## **Ingingo ya 6**

### **Ihindurwa ry'Amategeko**

- A) Umushinga wose wo guhindura aya Mategeko ushobora gutangwa n'Umucamanza, Porokireri cyangwa Gerefiye, kandi wemezwa:
  - i) iyo umenyeshajwe Abacamanza bose kandi ugashyigikirwa mu nyandiko n'Abacamanza nibura 13 ; cyangwa
  - ii) ku bwiganze bw'amajwi y'Abacamanza bari mu nama rusange yatumijwe na Perezida.
- B) Ibihindutse mu Mategeko bitangira gukurikizwa iyo bimaze kwemezwa n'Abacamanza hashingiwe ku Ngingo ya 13 3) ya Sitati, keretse Inama Ishinzwe Amahoro ku Isi ibigennye ukundi, kandi bitangazwa na Gerefiye mu gihe kitarenze iminsi irindwi ikurikira itariki byahinduriweho.
- C) Ibyahinduwe mu Mategeko ntibishobora kubangamira inyungu z'uregwa, iz'uwahamijwe icyaha cyangwa uwagihanaguweho mu manza zikiburanishwa.

## **Ingingo ya 7**

### **Inyandikomvaho**

Inyandiko z'Amategeko zanditswe mu gifaransa no mu cyongereza zemerwa kimwe. Iyo hari aho zinyuranye, hakurikizwa inyandiko igaragaza inyurabwenge kurusha indi urebye ibikubiye muri Sitati no mu Mategeko.

**Ingingo ya 8**

**Kutubahiriza inshingano**

- A) Uretse mu gihe hakurikizwa ibiteganywa n’Ingingo za 13, 16, 61 na 63, iyo Urugereko rwa Mbere rw’Iremezo rubona ko igihugu iki n’iki kitubahirije imwe mu nshingano zacyo ku birebana n’urubanza rugomba kuburanisha, nk’uko ziteganywa n’Ingingo ya 28 ya Sitati, Perezida abimenyesha Inama Ishinzwe Amahoro ku Isi abisabwe n’urwo Rugereko.
- B) Iyo Porokireri yemeje Perezida ko igihugu iki n’iki kitubahirije inshingano zacyo nk’uko ziteganywa n’Ingingo ya 28 ya Sitati, nyuma y’uko kibisabwa na Porokireri hashingiwe ku Ngingo ya 9, iya 36 cyangwa iya 37 z’aya Mategeko, Perezida abimenyesha Inama Ishinzwe Amahoro ku Isi.

**Ingingo ya 9**

**Gusaba amakuru**

Iyo Porokireri abona ko icyaha IRMCT ifite ububasha bwo kuburanisha kirimo gikorwaho cyangwa cyakozweho anketi, cyakurikiranywe cyangwa kirimo gikurikiranwa mu nkiko z’igihugu runaka, ashobora gusaba icyo gihugu kumwoherereza amakuru yose yerekeranye n’iyo dosiye, kandi icyo gihugu kigomba guhita kiyamwoherereza hashingiwe ku Ngingo ya 28 ya Sitati.

**Ingingo ya 10**

**Amakuru afitwe na Komite Mpuzamahanga y’Umuryango Utabara Imbabare**

Komite Mpuzamahanga y’Umuryango Utabara Imbabare (*ICRC/CICR*) nta nshingano ifite yo gutanga amakuru akubiyemo nk’inyandiko cyangwa ibindi bimenyetso, yerekerekeranye n’uko yuzuza inshingano zayo hashingiwe ku Masezerano ane y’i Jeneve yo ku itariki ya 12 Kanama 1949 cyangwa ku Masezerano y’inyongera yayo cyangwa yerekeranye n’ibikorwa byayo bishingiye kuri za sitati z’Imiryango Mpuzamahanga itabara imbabare ari yo *Red Cross/Croix Rouge na Red Crescent/Croissant Rouge*. Amakuru nk’ayo umuntu aba yamenyeshejwe mu ibanga na Komite Mpuzamahanga y’Umuryango Utabara Imbabare

(ICRC/CICR) cyangwa afitwe n'undi muntu wese ukorera iyo Komite ntashobora gutangazwa cyangwa gutangwaho ubuhamya iyo Komite itabyemeye.

## **Ingingo ya 11**

### **Icyifuzo cya Porokireri gisaba urukiko rw'igihugu kwikura urubanza**

(Yahinduwe ku itariki ya 26 Nzeri 2016)

Iyo Porokireri abona ko ibyaha bikorwaho iperereza cyangwa bikurikiranwa mu rukiko rw'igihugu runaka kandi bishinjwa umuntu uvugwa mu Ngingo ya 1 2) ya Sitati:

- A) Arimo kubikoraho iperereza;
- B) yagombye kubikoraho iperereza bitewe n'impamvu zinyuranye, zirimo izi zikurikira:
  - i) uburemere bw'ibyaha;
  - ii) umwanya uregwa yarimo mu gihe ibyaha ashinjwa byakorwaga;
  - iii) akamaro muri rusange ibibazo urwo rubanza rubyutsa bifite mu rwego rw'amategeko; cyangwa
- C) byakorewe inyandiko y'ibirego muri TPIY, TPIR cyangwa IRMCT,

Porokireri ashobora gusaba Urugereko rwa Mbere rw'Iremezo rwagenwe na Perezida gufata ku mugaragaro icyemezo gisaba urukiko rw'igihugu runaka kwikura urubanza rukarwoherereza IRMCT.

## **Ingingo ya 12**

### **Gusaba ku mugaragaro ko urukiko rw'igihugu rwikura urubanza**

- A) Hashingiwe ku Ngingo ya 11, iyo Urugereko rwa Mbere rw'Iremezo rwashyikirijwe icyifuzo cya Porokireri rubona ko cyujuje ibisabwa muri iyo Ngingo ya 11, rusaba ku mugaragaro igihugu bireba ko urukiko rufite urwo rubanza rurwikura rukaruharira IRMCT.
- B) icyemezo gisaba urukiko rw'igihugu kwikura urubanza kiba gikubiyemo no kurusaba kohereza ibirebana na anketi zakozwe, kopi za dosiye y'iburanisha, na kopi y'imikirize y'urubanza iyo rwaciwe.

- C) Igihugu cyasabwe ku mugaragaro ko urukiko rwacyo rwikura urubanza kigomba kubahiriza ibyo gisabwa nta kuzuyaza, nk'uko biteganywa n'Ingingo ya 28 ya Sitati.
- D) Iyo kwikura urubanza byasabwe n'Urugereko rwa Mbere rw'Iremezo, urwo Rugereko ntirushobora kuburanisha urwo rubanza nyuma.

### **Ingingo ya 13**

#### **Kutubahiriza icyemezo gisaba ku mugaragaro kwikura urubanza**

Iyo, mu gihe kitarenze iminsi mirongo itandatu uhereye ku itariki Gerefiye yagerejeho ku gihugu urwo rukiko rukoreramo icyemezo gisaba kwikura urubanza, icyo gihugu kitagararije Urugereko rwa Mbere rw'Iremezo ko cyafashe cyangwa cyenda gufata ibyemezo bikenewe kugira ngo cyubahirize ibyo cyasabwe, Urugereko rwa Mbere rw'Iremezo rushobora gusaba Perezida gushyikiriza icyo kibazo Inama Ishinzwe Amahoro ku Isi.

### **Ingingo ya 14**

#### **Kohereza inyandiko y'ibirego mu nkiko z'ibihugu**

- A) Iyo hafashwe icyemezo cyo kohereza urubanza mu rukiko rw'igihugu runaka hashingiwe ku Ngingo ya 6 ya Sitati :
- i) uregwa, iyo ari mu maboko ya IRMCT, ashyikirizwa igihugu bireba;
  - ii) Urugereko rwa Mbere rw'Iremezo rwategetse iyoherezwa ry'urubanza rushobora gutegeka ko ingamba zafashwe zo kurinda umutekano wa bamwe mu batangabuhamya cyangwa mu bakorewe ibyaha zikomeza kubahirizwa;
  - iii) Porokireri agomba guha abategetsi b'igihugu bireba amakuru yose yumva akwiye arebana n'urubanza, cyane cyane ibimenyetso gihamya yomeka ku mugereka w'inyandiko y'ibirego;
  - iv) IRMCT ifata ingamba zose zikwiye kugira ngo igenzure imiburanishirize y'urubanza rwoherejwe mu gihugu, harimo no gufatanya n'imiryango mpuzamahanga n'iyo mu turere; Porokireri ashobora kohereza indorerezi zo kugenzura imiburanishirize y'urwo rubanza mu gihugu bireba, kandi na Gerefiye ashobora kubikora abisabwe n'Urugereko rwa Mbere rw'Iremezo. Indorerezi

zoherejwe na Porokireri zimugezaho raporo, naho izindi ndorerezi zigeza raporo yazo kuri Perezida zibinyujije kuri Gerefiye.

- B) Urugereko rwa Mbere rw'Iremezo rwategetse ko urubanza rwoherezwa mu gihugu runaka rushobora gutanga urwandiko rwo gufata uregwa, rwerekana icyo gihugu azoherezwamo kugira ngo acirwe urubanza.
- C) Igihe icyo ari cyo cyose nyuma y'uko icyemezo cyo kohereza urubanza ahandi hashingiwe ku Ngingo ya 6 ya Sitati gifatwa na TPIY, TPIR, cyangwa IRMCT, ariko mbere y'uko urukiko rw'igihugu rucira uregwa urubanza rumuhamya icyaha cyangwa rukimuhanaguraho, Perezida ashobora kugena, abyibwirije cyangwa abisabwe na Porokireri, Urugereko rwa Mbere rw'Iremezo rwo kureba, hashingiwe ku Ngingo ya 6 6) ya Sitati, niba ari ngombwa kuvanaho icyemezo cyo kohereza urwo rubanza ahandi no gusaba ku mugaragararwo kurwisubiza.
- D) Iyo Urugereko rwa Mbere rw'Iremezo ruvanyeho icyemezo cyo kohereza urubanza ahandi cyafashwe na TPIY, TPIR cyangwa IRMCT hashingiwe ku Ngingo ya 6 ya Sitati, urwo Rugereko rushobora gusaba ku mugaragararwo igihugu bireba kohereza uregwa ku cyicaro cy'ishami rya IRMCT bireba, kandi icyo gihugu kigomba kubahiriza bidatinze ibyo gisabwa, hashingiwe ku Ngingo ya 28 ya Sitati. Urugereko rwa Mbere rw'Iremezo rushobora kandi gutanga urwandiko rwo gufata uregwa.
- E) Uregwa cyangwa Porokireri bafite uburenganzira bwo kujuririra icyemezo cyafashwe n'Urugereko rwa Mbere rw'Iremezo cyo kohereza cyangwa kutohereza urubanza mu kindi gihugu. Inyandiko y'ubujurire igomba gutangwa mu gihe kitarenze iminsi cumi n'itanu uhereye ku itariki icyemezo cyafatiweho, keretse iyo uregwa, cyangwa umuhagarariye, atari ahari igihe icyo cyemezo cyasomwaga. Iyo bimeze gutyo, igihe cyo gutanga inyandiko y'ubujurire gitangira kubarwa bahereye ku munsu uregwa yamenyesherejweho icyo cyemezo. Uwajuriye atanga imyanzuro y'ubujurire mu gihe kitarenze iminsi cumi n'itanu ikurikira itariki yatangiyeho inyandiko y'ubujurire. Undi muburanyi atanga imyanzuro isubiza mu gihe kitarenze iminsi icumi ikurikira itariki imyanzuro y'ubujurire yatangiweho, kandi ujurira ashobora kugira icyo avuga kuri iyo myanzuro isubiza mu gihe kitarenze iminsi ine ikurikira itariki yatangiweho.



## **Ingingo ya 15**

### **Ibyemezo bifashwe n'inkiko z'ibihugu**

Haseguriwe ibiteganywa n'Ingingo ya 7 2) ya Sitati, IRMCT ntitegetswe kubahiriza byanze bikunze ibyemezo by'inkiko z'ibihugu.

## **Ingingo ya 16**

### **Ihame ryo kudakurikiranwa kabiri ku cyaha kimwe**

Iyo Perezida amenye neza ko hari urubanza nshinjabyaha ruburanishwa n'urukiko rw'igihugu iki n'iki rukurikiranwamo umuntu uregwa ibyaha yamaze kuburanishwaho na TPIY, TPIR cyangwa IRMCT, Urugereko rwa Mbere rw'Iremezo rugenwe na Perezida rufata icyemezo gisobanura impamvu gishingiyeho gisaba urwo rukiko guhagarika burundu ikurikiranacyaha hashingiwe ku Ngingo ya 12, ariko hahindutse ibigomba guhinduka. Iyo urwo rukiko rubyanze, Perezida ashobora gushyikiriza icyo kibazo Inama Ishinzwe Amahoro ku Isi.

## UMUTWE WA III – Imiterere ya IRMCT

### Ingingo ya 17

#### Indahiro ku mugaragaro

- A) Mbere yo gutangira imirimo ye, Umucamanza wese agomba kurahira ku mugaragaro muri aya magambo :
- « Ndahiriye ku mugaragaro kuzatunganya imirimo nshinzwe no kuzarangiza inshingano zanjye z'Umucamanza wa IRMCT; ibyo byose nzabikorana ubwitange, nta guhemuka, nta kubogama na gato kandi nkurikije umutimanama wanjye ».
- B) Inyandiko y'iyi ndahiro ibikwa mu bushyiruranyandiko bwa IRMCT imaze gushyirwaho umukono n'uwo mucamanza imbere y'Umunyamabanga Mukuru w'Umuryango w'Abibumbye cyangwa umuhagarariye.
- C) Perezida aramutse abyemeje, Abacamanza bashobora kurahira ku mugaragaro bari ahandi hantu, hakoreshejwe ikoranabuhanga ry'amajwi n'amashusho rituma abantu bavugana barebana kandi batari kumwe (*Video-conference*).
- D) Umucamanza wongerewe manda iya mbere imaze kurangira ntiyongera kurahira bushyashya.

### Ingingo ya 18

#### Kuva mu rubanza k'Umucamanza

- A) Umucamanza ntashobora kuburanisha urubanza afitemo inyungu cyangwa ikindi kintu icyo ari cyo cyose ahuriyeho cyangwa yari ahuriyeho na rwo cyatuma abogama. Iyo bimeze gutyo, uwo mucamanza agomba kwivana mu rubanza maze Perezida akagena undi mucamanza wo kumusimbura.
- B) i) Umuburanyi wese ashobora gusaba Perezida ko Umucamanza avanwa mu rubanza kubera impamvu zimaze kuvugwa. Perezida abivuganaho n'Umucamanza urebwa n'icyo kibazo.
- ii) Perezida afata icyemezo kuri icyo cyifuzo cyangwa byaba ngombwa agashyiraho inteko y'Abacamanza batatu ishinzwe kugikemura. Iyo hafashwe umwanzuro

wemeza ko icyo cyifuzo gifite ishingiro, Perezida ashiraho undi mucamanza wo gusimbura uwavanwe mu rubanza.

- iii) icyemezo gifashwe na Perezida cyangwa n'inteko y'Abacamanza batatu ntigishobora kujuririrwa.
  - iv) Iyo Umucamanza wihanwe ari Perezida, Umucamanza urusha bagenzi be uburambe ku kazi, iyo adafite impamvu zimubangamiye, ni we usimbura Perezida mu mirimo iteganywa n'iki gika.
- C) Umucamanza wa TPIY cyangwa wa TPIR wasuzumye inyandiko y'ibirego cyangwa Umucamanza umwe rukumbi wayisuzumye, ashobora kuba umwe mu bagize inteko y'Urugereko rwa Mbere rw'Iremezo iburanisha uregwa kuri ibyo birego cyangwa kuba Umucamanza umwe rukumbi mu rubanza.
- D) Nta mucamanza uburanisha urubanza mu bujirire iyo yaruburanishije mu rw'iremezo.

## **Ingingo ya 19**

### **Kutaboneka k'Umucamanza**

(Yahinduwe ku itariki ya 26 Nzeri 2016)

- A) Iyo :
- i) ku mpamvu z'uburwayi cyangwa izindi mpamvu ze bwite zihutirwa, cyangwa ku mpamvu z'akazi ka IRMCT ariko byatangiwe uruhushya, Umucamanza udashobora, mu gihe gishobora kuba kigufi, gukomeza kuburanisha urubanza rwatangiye, kandi
  - ii) Abacamanza b'Urugereko basigaye babona neza ko biri mu nyungu z'ubutabera, bashobora gukomeza kuburanisha urwo rubanza wa mucamanza adahari mu gihe kitarenze iminsi itanu y'akazi.
- B) Iyo :
- i) ku mpamvu z'uburwayi cyangwa izindi mpamvu ze bwite kandi zihutirwa, cyangwa ku mpamvu z'akazi ka IRMCT ariko byatangiwe uruhushya,

Umucamanza adashobora, mu gihe gishobora kuba kigufi, gukomeza kuburanisha urubanza rwatangiye; kandi

- ii) Abacamanza b'Urugereko basigaye babona neza ko gukomeza kuruburanisha bonyine byabangamira inyungu z'ubutabera,
  - a) bashobora kwiga ibibazo babona ko bigomba gukemurwa, kubera inyungu z'ubutabera; kandi
  - b) Abacamanza b'Urugereko basigaye bashobora gusubika iburanisha ry'urwo rubanza.
- C) Iyo Umucamanza wo mu Rugereko rwa Mbere rw'Iremezo, ku mpamvu iyo ari yo yose, adashobora gukomeza kuburanisha urubanza rwatangiye, mu gihe gishobora kuba kirekire, abandi bacamanza bagize urwo Rugereko babimenyesha Perezida ushobora gushyiraho undi mucamanza no gutegeka ko urubanza ruburanishwa bundi bushya cyangwa ko iburanisha rikomereza aho ryari rigereye. Cyakora, iyo izo mpamvu zibayeho nyuma y'imyanzuro mbanzizarubanza ivugwa mu Ngingo ya 100 cyangwa nyuma y'uko ibimenyetso bitangira gutangwa hashingiwe ku Ngingo ya 102, iburanisha ntirishobora gukomeza uregwa atabyemeye, ariko haseguriwe ibivugwa mu bika D) na G).
- D) Iyo, hashingiwe ku biteganywa mu nteruro ya nyuma y'igika C) uregwa yanze kwemera ko urubanza rukomeza, Abacamanza basigaye bashobora kwiyemeza gukomeza urubanza mu Rugereko rwa Mbere rw'Iremezo, bafatanyije n'Umucamanza w'umusimbura iyo bose bemeje ko ari bwo buryo bwiza bwo kurengera inyungu z'ubutabera, bakurikije uko ibintu byose byifashe. Ababuranyi bombi bashobora kujuririra icyo cyemezo. Iyo nta jurira ribaye cyangwa Urugereko rw'Ubujurire ntiruhindure icyemezo cyo mu Rugereko rwa Mbere rw'Iremezo, Perezida ashiraho undi mucamanza wo kuzuzanya umubare w'abagize inteko. Ibyo bibaho ari uko uwo mucamanza yerekanye ko idosiye yayize bihagije. Gusimbura Umucamanza hashingiwe kuri iki gika bikorwa rimwe gusa.
- E) Iyo mu rubanza hashyizweho Umucamanza w'umusimbura hashingiwe ku Ngingo ya 20, kandi hari Umucamanza udashoboye gukomeza kuburanisha, urwo rubanza rukomezanya n'uwo mucamanza w'umusimbura mu kigwi cy'uwo udashoboye gukomeza kuburanisha.
- F) Iyo Umucamanza arwaye, cyangwa hari umwanya utarashyirwamo Umucamanza cyangwa hari izindi mpamvu zisa n'izo, Perezida ashobora, mu gihe asanga ari bwo

buryo bwo kurengera inyungu z'ubutabera, kwemerera Urugereko gukemura ibibazo bisanzwe, nko gusoma ibyemezo, iyo umwe cyangwa bamwe mu barugize badahari.

- G) Iyo Umucamanza umwe rukumbi, kubera impamvu iyo ari yo yose, adashobora gukomeza kuburanisha urubanza rwatangiye, mu gihe gishobora kuba kirekire, Perezida ashobora gushyiraho undi mucamanza umwe rukumbi no gutegeka ko urubanza ruburanishwa bundi bushya cyangwa ko iburanisha rikomereza aho ryari rigereye. Cyakora, iyo izo mpamvu zibayeho nyuma y'imyanzuro mbanzirizarubanza ivugwa mu Ngingo ya 100 cyangwa nyuma y'uko ibimenyetso bitangira gutangwa hashingiwe ku Ngingo ya 102, iburanisha ntirishobora gukomeza uregwa atabyemeye.

## **Ingingo ya 20**

### **Umucamanza w'umusimbura**

- A) Hashingiwe ku Ngingo ya 12 5) ya Sitati, Perezida ashobora gutoranya umwe mu bacamanza ba IRMCT maze akamugira Umucamanza w'umusimbura ugomba gukurikirana ibyiciro byose by'urubanza azaba yashyizwemo no gusimbura Umucamanza wese udashobye gukomeza kuburanisha urwo rubanza.
- B) Umucamanza w'umusimbura ashobora kubaza ikibazo cyose cyatuma asobanukirwa urwo rubanza.
- C) Umucamanza w'umusimbura yitabira impaka zigibwa n'Abacamanza mbere yo gufata icyemezo icyo ari cyo cyose ariko ntashobora gutora.

## **Ingingo ya 21**

### **Kwegura ku kazi**

Umucamanza wiyemeje kwegura ku mirimo ye abimenyeshya Perezida w'Urukiko mu nyandiko, uyu na we agashyikiriza iyo nyandiko Umunyamabanga Mukuru w'Umuryango w'Abibumbye.

## **Ingingo ya 22**

### **Uko Abacamanza bakurikirana mu cyubahiro**

- A) Mu mirimo yabo, Abacamanza bose bararushya hatitawe ku matariki batoreweho

cyangwa bashyiriweho, imyaka yabo y'amavuko cyangwa uburambe bwabo mu kazi.

- B) Nyuma ya Perezida, Abacamanza bakurikirana mu cyubahiro hakurikijwe amatariki batoreweho cyangwa bagizweho Abacamanza. Iyo batowe cyangwa bashyiriweho umunsi umwe, bakurikirana mu cyubahiro hakurikijwe uko barutana mu myaka y'amavuko.
- C) Iyo Umucamanza yongeye gutorwa, igihe cyose amaze akorera Urukiko cyitabwaho.

### **Ingingo ya 23**

#### **Imirimo ya Perezida**

- A) Perezida ushyirwaho hashingiwe ku Ngingo ya 11 ya Sitati ayobora inama rusange zose za IRMCT, ahuza imirimo y'Ingereko, kandi atunganya indi mirimo yose ateganyirizwa na Sitati n'Amategeko.
- B) Perezida ashobora, amaze kugisha inama Gerefiye na Porokireri, gushyiraho amabwiriza ngengamikorere ahuje na Sitati n'Amategeko kandi yerekeye ibibazo byihariye by'imiburanishirize y'imanza IRMCT yaregewe.

### **Ingingo ya 24**

#### **Isimburwa rya Perezida**

(Yahinduwe ku itariki ya 18 Mata 2016)

- A) Iyo Perezida atakiri mu mirimo ye cyangwa agize impamvu zimubuza gukora imirimo agenewe, asimburwa n'Umucamanza uba uri ku izamu Arusha, kugeza igihe Umunyamabanga Mukuru ashyiriyeho Perezida mushya.
- B) Iyo impamvu zibuza Perezida gukora imirimo ye ari iz'igihe gito, iyo mirimo ikorwa n'Umucamanza uba uri ku izamu Arusha.
- C) Iyo Perezida afite impamvu zimubuza kuyobora Urugereko rw'Ubujurire, Abacamanza barugize bitoramo Perezida.

## **Ingingo ya 25**

### **Inama mpuzabikorwa ya IRMCT**

- A) Inama mpuzabikorwa ya IRMCT igizwe na Perezida, Porokireri na Gerefiye.
- B) Kugira ngo inshingano za IRMCT nk'uko ziteganywa na Sitati zigerweho, Inama mpuzabikorwa ya IRMCT ihuza ibikorwa by'inzego za IRMCT uko ari eshatu, hubahirijwe inshingano n'ubwingenge bya buri rwego.
- C) Perezida ashobora gutumiza inama idasanzwe y'abagize Inama mpuzabikorwa ya IRMCT, abyibwirije cyangwa bisabwe n'umwe mu bayigize, kandi ni we uyiyobora.
- D) Perezida ashobora gufata icyemezo cyo gukoresha inama y'abagize Inama mpuzabikorwa ya IRMCT badateraniye hamwe, hifashishijwe ikoranabuhanga ry'amajwi n'amashusho rituma abantu bavugana barebana kandi batari hamwe (*video-conference*).

## **Ingingo ya 26**

### **Inama rusange z'Abacamanza**

- A) Abacamanza bateranira mu nama rusange kugira ngo:
  - i) bemeze cyangwa bahindure Amategeko;
  - ii) bemeze raporo y'umwaka iteganywa n'Ingingo ya 32 ya Sitati;
  - iii) bafate ibyemezo ku bibazo birebana n'imikorere ya IRMCT;
  - iv) bashyireho uburyo abantu bafungwamo;
  - v) bakore indi mirimo iyo ari yo yose iteganywa na Sitati cyangwa Amategeko.

## **Ingingo ya 27**

### **Itora n'umubare wa ngombwa ngo inama y'Inama rusange y'Abacamanza iterane**

- A) Ni ngombwa ko haboneka Abacamanza nibura cumi na barindwi kugira ngo inama rusange yabo ishobore guterana.

- B) Ibyemezo by'inama rusange y'Abacamanza ya IRMCT bifatwa ku bwiganze bw'amajwi y'Abacamanza bari muri iyo nama. Iyo amajwi anganye, igitekerezo gishyigikiwe na Perezida cyangwa n'Umucamanza umusimbura muri icyo gihe ni cyo cyemezwa.
- C) Ibyemezo by'inama rusange yakozwe abayirimo batari ahantu hamwe bifatwa iyo byashyikirijwe Abacamanza bose kandi bigashyigikirwa mu nyandiko na cumi na batatu muri bo nibura, keretse Perezida aramutse abigennye ukundi mu mabwiriza ngengamikorere.

## **Ingingo ya 28**

### **Abacamanza b'izamu**

Hakurikijwe Ingingo ya 12 ya Sitati, Perezida ashobora gushyiraho Umucamanza w'izamu, ushobora kuboneka mu gihe gito, ahereye kuri risite y'Abacamanza ba buri shami rya IRMCT, kugira ngo afate icyemezo, nk'Umucamanza umwe rukumbi, ku nyandiko z'ibirego, inzandiko zo gufata, no ku bindi bibazo igihe hatarashyirwaho Umucamanza umwe rukumbi cyangwa Urugereko rwa Mbere rw'Iremezo bo kubisuzuma.

## **Ingingo ya 29**

### **Impaka z'Abacamanza mbere yo guca urubanza**

Impaka z'Abacamanza mbere yo guca urubanza ziba mu muhezo kandi zikomeza kuba ibanga.

## **Ingingo ya 30**

### **Indahiro**

- A) Mbere yo gutangira imirimo ye, Gerefiye ushyirwaho hashingiwe ku Ngingo ya 15 3) ya Sitati arahirira imbere ya Perezida muri aya magambo:

«Ndahiriye ku mugaragaro kuzaba indahemuka, kuzagira ibanga ry'akazi no kuzakorana umutimanama imirimo nshinzwe ya Gerefiye wa IRMCT kandi ko nzubahiriza ibiteganywa byose na Sitati n'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso ».

- B) Umukozi wese wo mu Biro bya Gerefiye arahirira imbere ya Gerefiye mu magambo amwe n'amaze kuvugwa.



## **Ingingo ya 31**

### **Imirimo ya Gerefiye**

- A) Gerefiye afasha Ingereko, inama rusange z'Abacamanza, Abacamanza na Porokireri mu mirimo yabo. Abiyobowemo na Perezida, ashinzwe ubutegetsi n'imirimo bya IRMCT, akaba ari na we amakuru yinjira n'asohoka muri IRMCT anyuraho. By'umwihariko afite inshingano zikurikira:
- i) kuyobora no gucunga Agashami gashinzwe gutera inkunga Ingereko mu by'amategeko; gukora ku buryo, afatanyije na serivise z'ubutegetsi mu biro bye, Ingereko zihabwa abakozi n'ibikoresho bikwiye kugira ngo zishobore kurangiza inshingano zazo;
  - ii) gufata ingamba zose za ngombwa kugira ngo harangizwe ibyemezo bifatwa n'Ingereko n'Abacamanza, cyane cyane ibyerekeye ibihano;
  - iii) gutanga ibyifuzo birebana n'inshingano z'Ibiro bye zifite aho zihurira n'umurimo wa IRMCT wo guca imanza.
- B) Mu gihe Gerefiye akora imirimo ashinzwe, ashobora kumenyesha Ingereko mu magambo cyangwa mu nyandiko ikibazo cyose kirebana n'urubanza uru n'uru kibangamiye imirimo ye cyangwa gishobora kuyibangamira, harimo n'irangizwa ry'ibyemezo by'ubucamanza, akabimenyesha kandi ababuranyi iyo ari ngombwa.
- C) Gerefiye, abigiyemo inama na Perezida, ashobora gutanga amabwiriza aboneye yerekeye imikorere n'imihango ikurikizwa n'Ibiro bya Gerefiye, hamwe n'arebana n'ibindi bibazo biri mu bubasha bwe.
- D) Gerefiye ashyikiriza raporo y'ibikorwa bye Abacamanza bateraniye mu nama rusange ndetse na Porokireri.

## **Ingingo ya 32**

### **Agashami gashinzwe gufasha abatangabuhamya no kubarindira umutekano**

(Yahinduwe ku itariki ya 9 Mata 2018)

- A) Mu biro bya Gerefiye hashyizweho Agashami gashinzwe gufasha abatangabuhamya no

kubarindira umutekano. Ako gashami kagizwe n’abakozi babihugukiwemo gashinzwe:

- i) gutanga ibyifuzo birebana n’ingamba zo kurinda umutekano w’abakorewe ibyaha n’uw’abatangabuhamy, nk’uko biteganywa n’Ingingo ya 20 ya Sitati; no
  - ii) kugira inama abatangabuhamy n’abakorewe ibyaha, by’umwihariko mu manza zirebana n’ibyaha byo gusambanya ku gahato n’ibindi bikorwa by’urugomo rushingiye ku gitsina.
- B) Ku byerekeye ingamba zo kurinda no gutera inkunga abatangabuhamy n’abakorewe ibyaha, hagomba gushyirwaho gahunda izirikana ibibazo byihariye birebana na buri gitsina.

### **Ingingo ya 33**

#### **Inyandikomvugo**

Uretse gufata mu nyandiko cyangwa mu majwi ibivugwa mu iburanisha ku buryo bwuzuye nk’uko biteganywa n’Ingingo ya 95, Gerefiye cyangwa abakozi bo mu Biro bye yashyizeho bakora inyandikomvugo z’inama rusange z’Abacamanza ba IRMCT, n’iz’iburanisha imbere y’Ingereko cyangwa imbere y’Umucamanza umwe, uretse ibirebana n’impaka z’Abacamanza zibera mu muhezo mbere y’icibwa ry’urubanza.

### **Ingingo ya 34**

#### **Igitabo cy’imanza**

Gerefiye yandika mu gitabo cy’imanza ibintu byose bitari ibanga birebana na buri rubanza rushyikirijwe IRMCT, ariko haseguriwe ibiteganywa n’Ingingo ya 53. Umuntu wese yemerewe gusoma ibyanditse muri icyo gitabo.

### **Ingingo ya 35**

#### **Imirimo ya Porokireri**

- A) Porokireri ushyirwaho hashingiwe ku Ngingo ya 14 4) ya Sitati akora imirimo yose iteganywa na Sitati, hashingiwe kuri aya Mategeko n’Amabwiriza ngengamikorere ashiraho mu gihe atanyuranyije n’ibiteganywa na Sitati n’Amategeko. Iyo hakekwa ko

ayo mabwiriza ngengamikorere afite aho anyuranya n'aya Mategeko, bimenyeshwa Perezida kandi igitekerezo cye ni cyo cyubahirizwa.

- B) Porokireri ashobora guha umuyobozi uvugwa mu Ngingo ya 14 3) ya Sitati uri ku cyicaro cy'ishami rya IRMCT bireba, abakozi bo mu biro bye cyangwa undi muntu wese agennye, uburenganzira bwo gukora imirimo iri mu bubasha bwe.

**Ingingo ya 36**

**Imigendekere y’iperereza**

- A) Porokireri ashobora gukora iperereza gusa ku bantu bakorewe inyandiko y’ibirego na TPIY cyangwa na TPIR cyangwa abantu bavugwa mu Ngingo ya 14 ya Sitati.
- B) Mu rwego rw’iperereza, Porokireri afite ububasha bukurikira:
- i) guhamagaza no kubaza abakekwaho icyaha, abatangabuhamya n’abakorewe ibyaha no gufata mu nyandiko cyangwa mu bundi buryo ubuhamya bwabo, gukusanya ibimenyetso no gukora iperereza ahantu icyaha cyakorewe;
  - ii) gufata ibindi byemezo abona ari ngombwa mu iperereza, mu ikurikiranacyaha no mu iburanisha, hakubiyemo n’ingamba zidasanzwe zigamije kubungabunga umutekano w’abantu bashobora kuzaba abatangabuhamya mu rubanza n’uw’abashobora kumuha amakuru ;
  - iii) kugira ngo ibyo bigerweho, Porokireri ashobora kwifashisha ubutegetsi bw’igihugu icyo ari cyo cyose n’Umuryango mpuzamahanga uwo ari wo wose birebwa n’ikibazo, hakubiyemo n’Umuryango mpuzamahanga w’abagenzacyaha (INTERPOL) ; no
  - iv) gusaba Urugereko rwa Mbere rw’Iremezo gufata ibyemezo byose bya ngombwa.
- C) Ibiteganywa mu gika B) i), ii) na iv) bikurikizwa kandi mu iperereza rikorwa hashingiwe ku Ngingo ya 90 C) ii) n’iya 108 B) ii), ariko hahindutse ibigomba guhinduka.

**Ingingo ya 37**

**Ibyemezo by’agateganyo**

- A) Iyo byihutirwa, Porokireri ashobora gusaba igihugu icyo ari cyo cyose:
- i) gufata no gufunga ukekwa icyaha cyangwa uregwa;
  - ii) gufatira ibintu byose bishobora gutangwaho ibimenyetso; cyangwa

- iii) gufata ingamba zose za ngombwa kugira ngo uwakorewe cyaha cyangwa umutangabuhama badakorerwa ibikorwa bibabaza umubiri cyangwa badaterwa ubwoba, cyangwa kugira ngo ibimenyetso bidasibanganywa.
- B) Igihugu bireba kigomba kubahiriza vuba ibyo gisabwa, hashingiwe ku Ngingo ya 28 ya Sitati.
- C) Iyo Porokireri yerekanye impamvu ikomeye ituma igihugu iki n'iki kidashobora gukomeza gufunga ukekwa icyaha cyangwa gufata ingamba za ngombwa zamubaza gucika, ashobora gusaba Umucamanza ugenwa na Perezida gufata icyemezo cyo kwimurira no gufungira ukekwa icyaha ku cyicaro cy'ishami rya IRMCT bireba cyangwa ahandi hantu hose hashobora kugenwa n'Umucamanza. Iyo Porokireri na Gerefiye bamaze kubigishwamo inama, kwimura uwo muntu bikorwa n'ubutegetsi bw'igihugu arimo, bufatanyije n'igihugu ishami rya IRMCT bireba rikoreramo ndetse na Gerefiye.
- D) Ku byerekeye ibivugwa mu gika B), iyo ukekwa icyaha amaze kwimurwa, aba afite uburenganzira buteganywa n'Ingingo ya 40 y'Amategeko kandi ashobora kujuririra Urugereko rwa Mbere rw'Iremezo rwa IRMCT. Rumaze kumva icyo Porokireri abivugaho, Urugereko rufata umwanzuro kuri ubwo bujuriye.
- E) Ukekwa icyaha arekurwa iyo:
- i) Urugereko rubitegetse; cyangwa
  - ii) Porokireri adatanze inyandiko y'ibirego mu minsi makumyabiri ikurikira iyimurwa ry'ukekwa icyaha.

### **Ingingo ya 38**

#### **Kwimura abantu bakekwa ibyaha no kubafunga by'agateganyo**

(Yakosowe ku itariki ya 17 Kanama 2012)

- A) Mu rwego rw'iperereza, Porokireri ashobora gushyikiriza Gerefiye icyifuzo gisaba ko Umucamanza ugenwa hashingiwe ku Ngingo ya 28, afata icyemezo cyo kwimura umuntu ukekwa icyaha no kumufungira by'agateganyo muri gereza y'ishami rya IRMCT bireba. Porokireri abisaba yerekana impamvu ashingiraho. Icyifuzo cye kigomba

guherekwaha n'ibirego by'agateganyo n'incamake y'ibimenyetso ashingiraho, keretse iyo ashaka gusa kugira ibyo abaza ukekwa icyaha.

- B) Umucamanza ateguka ko umuntu ukekwa icyaha yimurwa kandi agafungwa by'agateganyo iyo ibi bikurikira byuzuye:
- i) iyo Porokireri yasabye igihugu gufata no gufunga ukekwa icyaha hashingiwe ku Ngingo ya 37, cyangwa hari ukundi kuntu igihugu runaka cyamufunze ;
  - ii) iyo Umucamanza, amaze kumva Porokireri, asanga hari ibimenyetso bikomeye kandi bitavuguruzanya byerekana ko umuntu ukekwa icyaha yaba yakoze icyaha IRMCT ifitiye ububasha bwo kuburanisha ; kandi
  - iii) iyo Umucamanza abona ko gufunga by'agateganyo umuntu ukekwa icyaha ari ngombwa kugira ngo bamubuze gucika, gutera abakorerwe ibyaha cyangwa abatangabuhama ubwoba cyangwa ububabare bw'umubiri, gusibanganya ibimenyetso, cyangwa iyo asanga ari ngombwa kugira ngo iperereza rigende neza.
- C) icyemezo cyo kwimura umuntu ukekwa icyaha no kumufunga by'agateganyo kigomba kuba kiriho umukono w'Umucamanza giteyeho na kashe ya IRMCT. icyo cyemezo gisobanura ingingo Porokireri yashingiyeho atanga icyifuzo kivugwa mu gika A), harimo n'ibirego by'agateganyo n'impamvu Umucamanza yashingiyeho afata icyo cyemezo hashingiwe ku biteganywa mu gika B). icyemezo cy'ifungwa ry'agateganyo cyerekana kandi igihe iryo fungwa ry'agateganyo rya mbere rizamara, kandi giherekwaha n'inyandiko yibutsa uburenganzira bw'uregwa, nk'uko buteganywa muri iyi Ngingo, no mu Ngingo ya 40 n'ya 41.
- D) Igihe cy'igifungo cy'agateganyo ntigishobora kurenza iminsi 30 uhereye ku itariki ukekwa icyaha yimurwa ku ishamba rya IRMCT bireba. Iyo icyo gihe kirangiye, Umucamanza wafashe icyemezo cya mbere cy'ifungwa ry'agateganyo cyangwa undi Umucamanza wagenwe na Perezida, ashobora, bisabwe na Porokireri, gutegeka ko icyo gihe cyongerwaho iminsi itarenze 30. Umucamanza abikora amaze kumva Porokireri hamwe n'uregwa yunganiwe n'avoka, kandi asanga biri nyungu z'iperereza. Iyo icyo gihe cy'inyongera kirangiye, Umucamanza wafashe icyemezo cyangwa undi Umucamanza washyizweho na Perezida ashobora, bisabwe na Porokireri, kongera icyo gifungo cy'agateganyo ho indi iminsi itarenze 30 iyo hari impamvu zidasanzwe. Uko byagenda kose, igihe cyose cy'igifungo cy'agateganyo ntigishobora kurenza iminsi 90. Iyo iyo

minsi irangiye inyandiko y'ibirego itaremezwa ndetse n'inyandiko yo gufata itarashyirwaho umukono, umuntu ukekwa icyaha ararekurwa cyangwa, byaba ari byo bikwiye, agashyirwa mu maboko y'abategesi b'igihugu yafatiwemo.

- E) Ibiteganywa n'Ingingo ya 57 birakurikizwa mu gushyira mu bikorwa icyemezo cyo kwimura umuntu ukekwa icyaha no kumufunga by'agateganyo, ariko hahindutse ibigomba guhinduka.
- F) Iyo umuntu ukekwa icyaha amaze kwimurirwa ku cyicaro cy'ishami rya IRMCT bireba, yitaba bidatinze Umucamanza wafashe icyemezo cya mbere cyo kumufunga by'agateganyo cyangwa undi mucamanza ugenwa na Perezida, kandi icyo gihe aba yunganiwe n'avoka. Uwo mucamanza azenzura niba uburenganzira bw'uwo muntu bwubahirizwa.
- G) Mu gihe cy'igifungo, Porokireri, umuntu ukekwa icyaha cyangwa avoka umwunganira bashobora kugeza ku mucamanza wafashe icyemezo cyo gufunga by'agateganyo cyangwa ku mucamanza wagenwe na Perezida, ibibazo byose byerekeranye n'iyubahirizwa ry'amategeko agenga ifungwa ry'agateganyo cyangwa byerekeranye n'irekurwa ry'umuntu ukekwa icyaha.
- H) Bitabangamiye ibivugwa mu gika D), ingingo zerekeranye n'ifungwa ry'agateganyo ry'abaregwa zikurikizwa no mu ifungwa ry'agateganyo ry'abantu bavugwa muri iyi Ngingo, ariko hahindutse ibigomba guhinduka.

### **Ingingo ya 39**

#### **Kubika amakuru**

- A) Haseguriwe ibiteganywa n'Ingingo ya 95, Porokireri ashinzwe kubika no kurinda amakuru amakuru n'ibimenyetso byakusanyijwe mu iperereza kugera igihe bitanzwe mu Rukiko nk'ibimenyetso.
- B) Porokeri akora irisite y'ibintu byafatiriwe by'umuntu uregwa cyangwa ukekwa icyaha, birimo inyandiko zose, ibitabo, impapuro n'ibindi maze agaha kopi y'iyi risite uregwa cyangwa ukekwa icyaha. Ibintu bitagomba gutangwaho ibimenyetso bisubizwa uregwa cyangwa ukekwa icyaha bidatinze.

## **Ingingo ya 40**

### **Uburenganzira ukekwahe icyaha aba afite mu gihe cy'iperereza**

- A) Mbere yo kubazwa na Porokireri, ukekwahe icyaha amenyeshwa uburenganzira bwe bukurikira mu rurimi avuga kandi yumva:
- i) uburenganzira bwo kunganirwa n'avoka yihitijemo, haseguriwe ibiteganywa n'Ingingo ya 42, cyangwa bwo kugenerwa avoka ku buntu iyo adashoboye kumwihembera ;
  - ii) uburenganzira bwo guhabwa umusemuzi ku buntu iyo atumva cyangwa atavuga ururimi rukoreshwa mu ibazwa ;
  - iii) Uburenganzira bwo kunuma n'ubwo kuburirwa ko ibyo avuze byose bifatwa mu majwi cyangwa mu nyandiko kandi ko bishobora gukoreshwa nk'ikimenyetso.
- B) Ukekwahe icyaha ntashobora kubazwa avoka umwunganira adahari, keretse iyo ku bwende bwe yivukije uburenganzira bwe bwo kunganirwa. Ibyo ari byo byose, iyo ukekwahe icyaha wari wivukije uburenganzira bwe bwo kunganirwa yisubiyeho, ibazwa rirasubikwa, rigasubukurwa ari uko gusa yishakiye umwunganira cyangwa amugenewe.

## **Ingingo ya 41**

### **Gufata amajwi cyangwa videwo mu ibazwa ry'abakekwahe icyaha**

Iyo Porokireri abaza ukekwahe icyaha, ibazwa rifatwa amajwi cyangwa videwo mu buryo bukurikira :

- A) Ukekwahe icyaha asobanurirwa mu rurimi yumva ko ibazwa rye rifatwa amajwi cyangwa videwo ;
- B) Iyo ibazwa risubitswe, iryo subikwa n'isaha bibereyeho bifatwa mu majwi cyangwa kuri videwo, ibi kandi bigakorwa mbere y'uko ibazwa risubikwa. Isaha ibazwa risubukurwaho na yo ifatwa mu majwi cyangwa kuri videwo ;
- C) Mu isozwa ry'ibazwa, ukekwahe icyaha ahabwa umwanya wo gusobanura neza ibyo yavuze cyangwa wo kugira icyo yongeraho, maze isaha ibazwa rirangiriyeho igafatwa mu majwi cyangwa kuri videwo ;



- D) Nyuma y'ibazwa, ukekwa icyaha ahabwa kopi ya kaseti y'ibyafashwe mu ibazwa; haba hafashwe amakaseti menshi mu gihe kimwe, agahabwa imwe muri yo y'umwimerere ;
- E) Iyo bibaye ngombwa ko bakora kopi ya kaseti y'ibyafashwe mu majwi, umwimerere wayo cyangwa umwe mu myimerere yayo ushyirwaho ubujeni mu maso y'ukekwa icyaha hanyuma we n'uwamubajije bakayishyiraho umukono ; kandi
- F) Ibyafashwe mu majwi birandukurwa iyo ukekwa icyaha abaye noneho uregwa.

## **Ingingo ya 42**

### **Ishyirwaho rya avoka, ubushobozi n'inshingano bye**

(Yahinduwe ku itariki ya 26 Nzeri 2016 no ku ya 4 Werurwe 2019)

- A) Avoka wihitiwemo n'ukekwa icyaha cyangwa n'uregwa ageza bidatinze mu biro bya Gerefiye impapuro zimuha ububasha bwo kunganira uwo muntu. Haseguriwe icyemezo cyose cy'Urugereko cyakwima avoka ububasha bwo kunganira uregwa hashingiwe ku Ngingo ya 45, iya 47 cyangwa iya 90, avoka wese afatwa nk'ufite ubushobozi bwo kunganira ukekwa icyaha cyangwa uregwa iyo Gerefiye yemera ko uwo avoka:
  - i) yemerewe gukora imirimo ya avoka mu gihugu iki n'iki cyangwa ari umwarimu wigisha amategeko muri kaminuza;
  - ii) avuga kandi yandika neza rumwe muri ndimi zombi zikoreshwa muri IRMCT, keretse Gerefiye asanze ari ngombwa, kubera inyungu z'ubutabera, gukuraho ibyo bisabwa, nk'uko biteganywa n'igika B);
  - iii) ari umunyamuryango w'ishyirahamwe ry'abavoka baburanira abantu muri IRMCT ryemewe na Gerefiye, kandi adafitemo ikibazo;
  - iv) atahamijwe amakosa cyangwa atahanwe mu bundi buryo nyuma y'urubanza rurebana na disipuline yarezwe mu rwego rw'igihugu cyangwa mpuzamahanga, harimo n'imanza zishingiye ku mategeko agenga imyitwarire y'abavoka mu kazi, keretse Gerefiye asanze, bitewe n'uko ibintu byifashe, byaba ari ugukabya kumwambura ububasha yari yahawe bwo kunganira uregwa;

- v) atahamijwe icyaha mu manza z'inshinjabyaha;
  - vi) mu kazi cyangwa ahandi mu mibereho ye, atishoye mu buriganya cyangwa mu myitwarire bitesha agaciro umurimo wa avoka, bibangamiye imigendekere myiza y'ubutabera, bishobora kumunga icyizere rubanda bafitiye IRMCT cyangwa imigendekere myiza y'ubutabera, cyangwa na none bishobora gusiga ibara IRMCT; kandi
  - vii) atatanze amakuru y'ikinyoma ku mashuri yize no ku bushobozi bwe bwo gukora umwuga w'abavoka cyangwa ko nta makuru afite akamaro yirengaije gutanga.
- B) Gerefiye ashobora, bisabwe n'ukekwaho icyaha cyangwa uregwa kandi kubera inyungu z'ubutabera, gushyiraho avoka uvuga urundi rurimi rutari muri ebyiri zikoreshwa mu kazi ka IRMCT ariko ruvugwa n'ukekwaho icyaha cyangwa uregwa. Ibyo Gerefiye ashobora kubyemera abanje kugena ibyo abona ko bikwiye kubanza kubahirizwa, harimo n'uko avoka cyangwa uregwa birihira amafaranga yo gusemura cyangwa guhindura inyandiko mu ndimi ubundi adasanzwe atangwa na IRMCT kandi n'uko avoka yemera ko atazasaba kongererwa igihe yitwaje ko adakoresha rumwe mu ndimi zikoreshwa mu kazi ka IRMCT. Uregwa cyangwa avoka umwunganira bashobora kujuririra Perezida ku cyemezo cyafashwe na Gerefiye. icyemezo gifashwe na Perezida kuri ubwo bujuriye ntikijuririrwa.
- C) Mu mirimo yabo, abavoka bagomba kubahiriza ibiteganywa na Sitati, Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso, Amategeko agenga ifunga n'andi mabwiriza yashyizweho na IRMCT, Amasezerano hagati ya IRMCT n'igihugu ifitemo icyicaro, Amategeko yerekeye imyitwarire, mu kazi, y'abavoka bunganira Abaregwa muri IRMCT ndetse, byaba ngombwa, n'Amabwiriza yerekeye ishyirwaho ry'abavoka, nk'uko yashyizweho na Gerefiye kandi akemezwa n'abenshi mu Bacamanza.
- D) Hazashyirwaho akanama ngishwa nama ko gufasha Perezida na Gerefiye mu bibazo birebana n'abavoka bunganira abaregwa. Abagize ako kanama batoranywa mu bantu bahagarariye amashyirahamwe y'abakozi no mu bavoka bunganira abaregwa muri TPIR, TPIY, cyangwa IRMCT. Bagomba kuba bafite uburambe mu mirimo yerekeranye n'amategeko kandi bakomoka mu miryango y'amategeko itandukanye. Gerefiye ashiraho amabwiriza asobanura imitunganyirize n'ububasha by'ako kanama ngishwa nama.

## **Ingingo ya 43**

### **Gushyiraho avoka**

(Yahinduwe ku itariki ya 4 Werurwe 2019)

- A) Igihe cyose biri mu nyungu z'ubutabera, hashyirwaho avoka wo kunganira abakekwaho icyaha cyangwa abaregwa badafite ubushobozi bwo kumwihembera. Kugenera uregwa avoka bikorwa hakurikijwe Amabwiriza yerekeye ishyirwaho ry'abavoka bunganira abaregwa, nk'uko yashyizweho na Gerefiye kandi akemezwa n'abenshi mu Bacamanza.
- B) Muri urwo rwego, Gerefiye agira risite y'abavoka:
- i) bujuje ibisabwa byose mu Ngingo ya 42, n'ubwo bwose ibisabwa birebana n'indimi bivugwa mu Ngingo ya 42 A) ii) bishobora gukurwaho na Gerefiye, hakurikijwe ibiteganywa n'amabwiriza;
  - ii) bafite ubushobozi buhamye mu by'amategeko mpanabyaha kandi/cyangwa mu mategeko mpanabyaha mpuzamahanga kandi/cyangwa mu mategeko mpuzamahanga arengera abantu mu gihe cy'intambara kandi/cyangwa mu mategeko mpuzamahanga yerekeye uburenganzira bwa muntu;
  - iii) bafite nibura imyaka irindwi y'uburambe mu kazi nk'Abacamanza, abashinjacyaha, abavoka cyangwa mu yindi mirimo isa n'iyoy mu rwego rw'imanza nshinjabyaha;
  - iv) bamenyesheje IRMCT ko bifuzaga gushingwa imirimo yo kunganira umuntu wese udashoboye kwihembera avoka kandi ufunzwe ku itegeko rya IRMCT kandi ko biteguye kuyikora, hakurikijwe ibiteganywa n'amabwiriza.
- C) Gerefiye agira indi risite y'abavoka b'agateganyo, uretse kuba bujuje ibya ngombwa bisabwa mu gika B) ku birebana n'ubushobozi bwabo, bamenyekanishije ko biteguye gukora nk' « abavoka b'agateganyo » kugira ngo bunganire uregwa mu gihe cyo kwitaba Abacamanza bwa mbere, hashingiwe ku Ngingo ya 64.
- i) Avoka w'agateganyo agomba kuba atuye ahantu umuntu ashize mu gaciro yabona ko atari kure ya gereza y'ishami rya IRMCT bireba.

- ii) Gerefiye akora buri gihe ibishoboka byose kugira ngo hizerwe ko abavoka b'agateganyo bazaboneka igihe cyose bazahamagarirwa kwitaba kuri gereza y'ishami rya IRMCT bireba.
  - iii) iyo uregwa cyangwa ukekwa icyaha wimuriwe kuri IRMCT adafite avoka, Gerefiye atumiza bidatinze avoka w'agateganyo kugira ngo abe amwunganira kugeza igihe uregwa cyangwa ukekwa icyaha azihitiramo avoka cyangwa azamugenerwa mu buryo buteganywa n'iyi Ngingo.
  - iv) mu mirimo y'avoka w'agateganyo yo kugira inama no kunganira ukekwa icyaha cyangwa uregwa, abamenyesha mu ikubitiro uburenganzira bwabo hakubiyemo n'ubuteganywa na Sitati n'Amategeko.
- D) Gerefiye, abigiyemo inama na Perezida, yemeza igihembo cy'avoka wagenwe.
- E) Iyo bigaragaye ko umuntu wafashwe nk'aho adashoboye kwihembera avoka abishoboye, Urugereko rushobora, rubisabwe na Gerefiye, gufata icyemezo kimutegeka kwishyura ibyatanzwe kuri avoka yagenewe.
- F) Iyo ukekwa icyaha cyangwa uregwa ahiseho kwiburanira, abimenyesha Gerefiye mu nyandiko bidatinze.
- G) Kubera impamvu zidasanzwe, bisabwe n'ukekwa icyaha cyangwa uregwa cyangwa avoka ubunganira, Urugereko rushobora gutegeka Gerefiye gushyira undi avoka usimbura uwari washyizweho iyo rusanze impamvu zivugwa zifite ishingiro kandi rubona ko icyo cyifuzo kitagamije gutinza imiburanishirize y'urubanza.

#### **Ingingo ya 44**

##### **Abafungwa**

Ingingo ya 42 n'ya 43 zikurikizwa ku bantu bose bafunzwe ku itegeko rya IRMCT.

#### **Ingingo ya 45**

##### **Kuboneka kwa avoka**

- A) Baba baragenwe n'Urukiko cyangwa baba barihitiwemo n'abo bunganira muri IRMCT, avoka n'umwungirije bagomba gushyikiriza Gerefiye, ku itariki bashyizweho cyangwa

batoranyijweho, icyemezo cyanditse kigaragaza ko bazitaba IRMCT mu gihe gishyize mu gaciro kigenwa na Gerefiye.

- B) Iyo avoka cyangwa umwungirije atitabye IRMCT nk'uko yabyemeye, Gerefiye ashingira kuri iyo mpamvu akamusezerera, cyangwa Urugereko bireba rukaba rwamwangira kuburana muri IRMCT.

### **Ingingo ya 46**

#### **Gushyiraho avoka ku bw'inyungu z'ubutabera**

Kubera inyungu z'ubutabera, Urugereko rwa Mbere rw'Iremezo rushobora gusaba Gerefiye gushyiraho avoka wo kurengera inyungu z'uregwa.

### **Ingingo ya 47**

#### **Imyitwarire mibi ya avoka**

(Yahinduwe ku itariki ya 26 Nzeri 2016)

- A) Iyo Urugereko rubona imyitwarire ya avoka irangwa n'agasuzuguro, gutandukira, cyangwa mu bundi buryo ubwo ari bwo bwose ibangamiye imigendekere myiza y'iburanisha, cyangwa se irangwa n'uburangare cyangwa kubura ubunyamwuga n'imyifatire myiza mu kazi, rushobora kumufatira ibyemezo bikurikira, nyuma yo kumwihaniza ku mugaragaro ntiyikosore no kumuha umwanya wo kwisobanura:
- i) kwemeza ko uwo avoka atakemerewe kuburanira abaregwa cyangwa abakekwaho icyaha muri IRMCT; cyangwa
  - ii) kwima uwo avoka ijambo
- B) Avoka afite uburenganzira bwo kujuririra Ibihano bitangwa hashingiwe ku gika A).
- C) Iyo avoka washyizweho hashingiwe ku Ngingo ya 43 ahawe igihano cyo kwimwa ijambo hashingiwe ku gika A) i), Urugereko rushobora gutegeka Gerefiye gushyiraho undi avoka umusimbura. Iyo icyemezo gifatira avoka igihano cyajuririwe, Gerefiye ntashobora gushyiraho avoka umusimbura mu gihe cyose Urugereko rw'Ubujurire rutarafata icyemezo kuri ubwo bujurire.

- D) Urugereko, rubyemerewe na Perezida, rushobora kumenyesha urugaga rw'abavoka rwo mu gihugu rwita ku myifatire ya avoka, imyitwarire mibi ye cyangwa rukabimenyesha urwego ruyobora kaminuza yigishamo iyo akora akazi k'ubwarimu gusa atagakomatanyije n'aka avoka.
- E) Gerefiye ashiraho amabwiriza agenga imyifatire y'abavoka baburana muri IRMCT kandi akora ibishoboka kugira ngo yubahirizwe, ariko ayo mabwiriza agomba kubanza kwemerwa na Perezida. Ihindurwa ry'amabwiriza agenga imyifatire y'abavoka rikorwa hamaze kugishwa inama abahagarariye Porokireri n'abagize akanama ngishwa nama, haseguriwe ko rigomba kwemerwa na Perezida. Iyo hari impamvu zikomeye zemeza Gerefiye ko avoka uburana muri IRMCT yanyuranyije bikomeye n'ayo mabwiriza, ashobora gufata ibyemezo bikwiye hakurikijwe ibiteganywa na yo.

**Ingingo ya 48**

**Uko Porokireri atanga Inyandiko z'ibirego**

- A) Inyandiko y'ibirego, itanzwe hashingiwe ku Ngingo ya 14) ya Sitati no mu buryo bukurikira, isuzumwa n'Umucamanza w'izamu cyangwa Umucamanza umwe rukumbi wagenwe na Perezida.
- B) Iyo Porokireri, akurikije ibyo iperereza ryagezeho, asanga hariho ibimenyetso bihagije byerekana ko umuntu ukekwa icyaha yakozwe icyaha kivugwa mu Ngingo ya 14) ya Sitati, ategura inyandiko y'ibirego maze akayohereza Gerefiye, iherekejwe n'ibimenyetso bishyigikira ikirego kugira ngo yemezwe n'Umucamanza.
- C) Inyandiko y'ibirego igaragaza izina ry'ukekwa icyaha, umwirondoro ugaragaza imibereho ye bwite, incamake y'ibyabaye n'inyito y'icyaha ashinjwa.
- D) Gerefiye ashyikiriza Umucamanza wagenwe inyandiko y'ibirego n'ibimenyetso biyherekeje, uwo mucamanza na we akamenyesha Porokireri itariki izasuzumirwaho.
- E) Umucamanza wagenwe asuzuma buri kirego n'ibimenyetso byose Porokireri atanga byo kugishyigikira, kugira ngo yemeze niba, hashingiwe ku Ngingo ya 17) ya Sitati, bihagije kugira ngo ukekwa icyaha abe yakurikiranwa.
- F) Uwo mucamanza ashobora:
- i) gusaba Porokireri gutanga ibimenyetso by'inyongera byo gushyigikira ikirego icyo ari cyo cyose cyangwa ibirego byose yatanze ;
  - ii) kwemeza buri kirego;
  - iii) kutakira buri kirego; cyangwa
  - iv) gusubika isuzumwa ry'inyandiko y'ibirego kugira ngo Porokireri abone umwanya wo kuyihindura.
- G) Inyandiko y'ibirego uko yemejwe n'Umucamanza ibikwa na Gerefiye, kandi ayikorera kopi zemejwe ko zihuje n'umwimerere ziriho kashe ya IRMCT. Iyo uregwa atumva ururimi na rumwe mu zikoreshwa na IRMCT kandi Gerefiye akaba yaramenyeshajwe

ururimi uregwa yumva, inyandiko y'ibirego ihindurwa muri urwo rurimi maze ikomekwa kuri buri kopi y'inyandiko y'ibirego yemejwe ko ihuye n'umwimerere.

- H) Iyo ikirego icyo ari cyo cyose cyangwa ibirego byose biri mu nyandiko y'ibirego byemejwe:
- i) Umucamanza ashobora gutanga urwandiko rwo gufata, hashingiwe ku Ngingo ya 57 A), no gufata icyemezo icyo ari cyo cyose mu biteganywa n'Ingingo ya 17 2) ya Sitati ; kandi
  - ii) umuntu ukekwa icyaha ahita afatwa nk'uregwa.
- I) Kuba ikirego kitakiriwe ntibibuza Porokireri kongera gutanga inyandiko y'ibirego yahinduwe ashingiye ku byabaye bimwe n'ibikubiye mu kirego kitemejwe, apfa gusa kuba yatanze ibindi bimenyetso by'inyongera byo gushyigikira icyo kirego.

#### **Ingingo ya 49**

##### **Gufatanya ibirego no kuregera abantu hamwe**

- A) Ibyaha birenze kimwe bishobora gukubirwa mu nyandiko y'ibirego imwe iyo byakozwe n'uregwa umwe kandi byarakozwe mu rwego rwa gahunda imwe.
- B) Abantu bakurikiranyweho icyaha kimwe cyangwa ibyaha bitandukanye ariko barabikoze mu rwego rwa gahunda imwe bashobora gukorerwa inyandiko y'ibirego imwe kandi bakaburanishirizwa hamwe.
- C) Muri iyi Ngingo, gahunda bisobanura umubare runaka w'ibyakozwe cyangwa w'ibyateshutswe gukorwa mu gihe kimwe, haba ibyabaye bivugwa ari bimwe cyangwa se binyuranye, byarabereye ahantu hamwe cyangwa hanyuranye, kandi bihuriye ku mugambi, ingamba cyangwa ibitekerezo bimwe.

#### **Ingingo ya 50**

##### **Guhindura inyandiko y'ibirego**

- A) i) Porokireri ashobora guhindura inyandiko y'ibirego yateguriwe muri TPIY, TPIR cyangwa IRMCT:



- a) atabisabiye uruhushya igihe cyose inyandiko y'ibirego itaremezwa n'Umucamanza;
  - b) abihewe uruhushya n'Umucamanza w'agateganyo cyangwa Umucamanza umwe rukumbi wayemeje cyangwa Umucamanza rukumbi wagenwe na Perezida, iyo inyandiko y'ibirego yemejwe n'Umucamanza ariko hataragenwa Urugereko rwa Mbere rw'Iremezo cyangwa Umucamanza umwe rukumbi bo kuburanisha urubanza;
  - c) abihewe uruhushya n'Urugereko rwa Mbere rw'Iremezo rwagenewe kuburanisha urubanza cyangwa Umucamanza umwe rukumbi, bamaze kumva impande zombi, iyo urwo Rugereko rwamaze kugenwa.
- ii) Uruhushya rwo guhindura inyandiko y'ibirego rutangwa gusa ari uko Urugereko rwa Mbere rw'Iremezo cyangwa Umucamanza umwe rukumbi bemera ko Porokireri yagaragaje, hashingiwe ku Ngingo ya 17 1) ya Sitati, ko hariho impamvu zikomeye zishyigikira ibyo asaba ;
  - iii) Si ngombwa kongera kwemeza inyandiko y'ibirego iyo yahinduwe bitangiwe uruhushya.
  - iv) Ingingo ya 48 G) n'iya 54 zinakurikizwa ku birebana n'inyandiko iy'ibirego yahinduwe, ariko hahindutse ibigomba guhinduka.
- B) Iyo inyandiko y'ibirego yahinduwe irimo ibirego bishya kandi uregwa yaramaze kwitaba Urugereko rwa Mbere rw'Iremezo bwa mbere cyangwa imbere y'Umucamanza umwe rukumbi hashingiwe ku Ngingo ya 64, uregwa agomba kongera kurwitaba bidatinze kugira ngo avuge niba yemera cyangwa ahakana ibyaha bishya ashinjwa.
  - C) Uregwa ahabwa ikindi gihe cy'iminsi mirongo itatu kugira ngo ashobore kuba yabyutsa ingoboka ziteganywa n'Ingingo ya 79 ku birebana n'ibyaha bishya ashinjwa kandi, iyo bibaye ngombwa, itariki y'urubanza ishobora kwigizwayo kugira ngo Ubwunganizi bubone igihe gihagije cyo gutegura imyiregurire yabwo.

## **Ingingo ya 51**

### **Kureka inyandiko y'ibirego**

- A) Porokireri ashobora kureka inyandiko y'ibirego:
- i) atabisabiye uruhushya igihe cyose itaremezwa n'Umucamanza;
  - ii) abihereye uruhushya n'Umucamanza w'agateganyo cyangwa Umucamanza umwe rukumbi wemeje iyo nyandiko cyangwa Umucamanza umwe rukumbi wagenwe na Perezida, iyo yemejwe n'Umucamanza ariko hataragenwa Urugereko rwa Mbere rw'Iremezo cyangwa Umucamanza umwe rukumbi bo kuburanisha urubanza;
  - iii) abinyujije mu cyifuzo ashirikiza Urugereko rwa Mbere rw'Iremezo cyangwa Umucamanza umwe rukumbi hashingiwe ku Ngingo ya 80, iyo yifuza kuyireka nyuma y'aho urubanza rushyikirijwe urwo Rugereko cyangwa uwo mucamanza umwe rukumbi.
- B) Kureka inyandiko y'ibirego bimenyeshwa bidatinze ukekwa icyaha cyangwa uregwa, n'avoka we.

## **Ingingo ya 52**

### **Kuba inyandiko y'ibirego atari ibanga**

Haseguriwe ibivugwa mu Ngingo ya 53, inyandiko y'ibirego ishikirwa ahagaragara iyo Umucamanza w'agateganyo cyangwa Umucamanza umwe rukumbi amaze kuyemeza.

## **Ingingo ya 53**

### **Kutasasa ibirebana n'urubanza**

- A) Kubera impamvu zidasanzwe, Umucamanza w'agateganyo cyangwa Umucamanza umwe rukumbi, bashobora gutegeka ko inyandiko zose cyangwa amakuru yose bitasaswa kubera inyungu z'ubutabera, kugeza igihe bigenwe ukundi.
- B) Mu kwemeza inyandiko y'ibirego, Umucamanza w'agateganyo cyangwa Umucamanza umwe rukumbi, amaze kumva icyo Porokireri abitekerezaho, ashobora gutegeka ko iyo

nyandiko itasaswa kugeza igihe imenyesherejwe uregwa cyangwa abaregwa bose iyo bashinjwa mu rubanza rumwe.

- C) Umucamanza w'agateganyo cyangwa Umucamanza umwe rukumbi, amaze kumva icyo Porokireri abitekerezaho, ashobora no gutegeka ko inyandiko y'ibirego cyangwa igice cyayo, inyandiko rukana yose uko yakabaye cyangwa amakuru runaka yose cyangwa igice cyabyo, icyo ari cyo cyose, bitasaswa iyo babona neza ko icyemezo nk'icyo ari ngombwa kugira ngo hubahirizwe ibiteganywa n'aya Mategeko, cyangwa kugira ngo amakuru y'ibanga yakusanyijwe na Porokireri akomeze kuba ibanga cyangwa kubera inyungu z'ubutabera.
- D) Hatitawe ku biteganywa n'ibika A), B) na C), Porokireri ashobora kumenyesha abategetsu b'igihugu runaka, umutegetsu runaka cyangwa umuryango mpuzamahanga uyu n'uyu, inyandiko y'ibirego yose cyangwa igice cyayo iyo abona ko byamufasha gufata uregwa.

#### **Ingingo ya 54**

##### **Guha uregwa inyandiko y'ibirego**

- A) Uregwa ahabwa inyandiko y'ibirego ku giti cye iyo ashyizwe mu maboko ya IRMCT, cyangwa nyuma yaho bidatinze.
- B) Uregwa aba ahawe inyandiko y'ibirego, iyo ahawe kopi yayo yemejwe ko ihuye n'umwimerere hashingiwe ku Ngingo ya 48 G).

#### **Ingingo ya 55**

##### **Ingingo rusange**

Umucamanza cyangwa Urugereko rwa Mbere rw'Iremezo, babisabwe n'umwe mu baburanyi cyangwa babyibwirije, bashobora gufata ibyemezo, gutanga inyandiko zihamagaza ababuranyi n'abatangabuhamya, ibyemezo bihatira umuntu kwitaba ubucamanza, inyandiko zo gufata, n'ibyemezo byo kwimura uwafashwe, bikenewe mu iperereza, mu itegurwa ry'urubanza cyangwa mu iburanisha ryarwo.

#### **Ingingo ya 56**

##### **Icyemezo gitegeka ibihugu gutanga inyandiko**

- A) Iyo umuburanyi yifuza ko igihugu runaka gitegekwa gutanga inyandiko cyangwa amakuru hashingiwe ku Ngingo ya 55, ageza icyifuzo cyanditse ku mucamanza cyangwa ku Rugereko rwa Mbere rw'Iremezo bireba kandi:
- i) asobanura neza ku buryo bwose bushoboka izo nyandiko cyangwa ayo makuru asaba ko bitangwa ;
  - ii) yerekana uburyo bifite aho bihuriye n'ikibazo icyo ari cyo cyose kigibwaho impaka imbere y'Umucamanza cyangwa imbere y'Urugereko rwa Mbere rw'Iremezo, ndetse n'ukuntu ari ingirakamaro kugira ngo icyo kibazo gikemurwe mu buryo buboneye ; kandi
  - iii) yerekana ibyo yakoze asaba icyo gihugu kumuha izo nyandiko cyangwa ayo makuru.
- B) Umucamanza cyangwa Urugereko rwa Mbere rw'Iremezo bashobora kwanga rugikubita icyifuzo bashyikirijwe hashingiwe ku gika A) iyo babona ko:
- i) izo nyandiko cyangwa ayo makuru ntaho bihuriye n'ikibazo kigibwaho impaka imbere yabo cyangwa ko atari ngombwa kugira ngo icyo kibazo gikemurwe ku buryo buboneye ; cyangwa
  - ii) uwatanze icyifuzo nta cyo yakoze mu buryo bushyize mu gaciro kugira ngo icyo gihugu kimuhe inyandiko cyangwa amakuru asaba ;
- C) i) Icyemezo gifashwe n'Umucamanza cyangwa n'Urugereko rwa Mbere rw'Iremezo hashingiwe kuri iyi Ngingo gishobora :
- a) gusabirwa kongera gusuzumwa hashingiwe ku Ngingo ya 134 bisabwe n'igihugu ; cyangwa
  - b) kujuririrwa n'uwatanze icyifuzo, ariko bitangiwe uruhushya hashingiwe ku Ngingo ya 80 B).
- ii) Ubujurire buvugwa mu gaka i) bugomba gutangwa mu gihe kitarenze iminsi irindwi uhereye ku itariki icyemezo kinengwa cyafatiweho. Undi muburanyi asubiza mu gihe kitarenze iminsi icumi uhereye ku itariki ubujurire bwatangiweho. Uwajuriye ashobora kugira icyo avuga ku gisubizo cy'undi muburanyi mu gihe kitarenze iminsi ine uhereye ku itariki icyo gisubizo cyatangiweho. Iyo icyemezo

kinengwa cyafashwe mu magambo, igihe ntarengwa gitangira kubarwa uherye ku itariki icyo cyemezo cyatangarijwe, keretse iyo:

- a) icyo cyemezo cyatangajwe umuburanyi ukirwanya cyangwa umuhagarariye badahari ; iyo bimeze gutyo, igihe gitangira kubarwa uherye ku itariki uwo muburanyi yamenyesherejweho icyo cyemezo; cyangwa
  - b) Umucamanza cyangwa Urugereko rwa Mbere rw'Iremezo bavuze ko nyuma hazatangwa icyemezo cyanditse; iyo bimeze gutyo igihe gitangira kubarwa uherye ku itariki icyemezo cyanditse cyatangiweho.
- D) i) Uretse mu gihe icyemezo kiba cyafashwe hashingiwe ku bika B) cyangwa E), igihugu bireba kimenyeshwa icyo cyifuzo hasigaye nibura iminsi cumi n'itanu mbere y'uko iburanisha ryerekeranye na cyo riba, kandi icyo gihugu gihabwa ijamba muri iryo buranisha.
- ii) Uretse iyo Umucamanza cyangwa Urugereko rwa Mbere rw'Iremezo rubitegetse ukundi, umuburanyi watanze icyifuzo cyangwa igihugu bireba ni bo bonyine bemerewe gufata ijamba muri iryo buranisha.
- E) Umucamanza cyangwa Urugereko rwa Mbere rw'Iremezo bashobora gufata icyemezo cyo gukurikiza ibiteganywa n'iyi Ngingo igihugu bireba kidahawe umwanya wo kugira icyo kibivugaho nk'uko biteganywa mu gika D), iyo bafite impamvu zumvikana bashingiyeho kandi bitewe n'uko uko ibintu byose byifashe. Icyemezo nk'icyo cyubahiriza ibi bikurikira :
- i) kimenyeshwa igihugu bireba,
  - ii) haseguriwe ibivugwa mu gaka iv), icyo cyemezo gitangira kubahirizwa hashize nibura iminsi cumi n'itanu uherye ku itariki iryo menyesha ryabereyeho;
  - iii) mu gihe kitarenze iminsi cumi n'itanu ikurikira iryo menyesha, icyo gihugu gishobora gutanga icyifuzo gisaba Umucamanza cyangwa Urugereko rwa Mbere rw'Iremezo kvanaho icyo cyemezo, ku mpamvu y'uko kumenyekanisha inyandiko cyangwa amakuru bisabwa byabangamira umutekano wacyo. Ibiteganywa mu gika F) bikurikizwa ku cyifuzo gisaba kvanaho icyemezo nk'uko bigenda ku nyandiko irwanya icyo cyemezo;
  - iv) iyo hatanzwe icyifuzo hashingiwe ku biteganywa mu gaka iii), kurangiza icyemezo kinengwa birasubikwa kugeza igihe umwanzuro ufatiwe kuri icyo cyifuzo;

- v) ibiteganywa mu bika F) na G) bikurikizwa ku birebana n'isuzuma ry'icyifuzo cyatanzwe hashingiwe ku biteganywa mu gaka iii) nk'uko bigenda mu isuzuma ry'ibyifuzo bimenyekanishwa hashingiwe ku biteganywa mu gika D);
  - vi) uretse mu gihe hafatwa ingamba zidasanzwe mu rwego rw'icyifuzo cyatanzwe hashingiwe ku biteganywa mu gika F) cyangwa G), igihugu n'umuburanyi bireba bahabwa ijambo mu iburanisha rirebana n'icyifuzo cyatanzwe hashingiwe ku gaka iii).
- F) Iyo igihugu gitanze icyifuzo hashingiwe ku biteganywa mu gika D) ku mpamvu y'uko imenyekanisha risabwa ryabangamira umutekano wacyo, gitanga inyandiko ibyutsa icyo kibazo hasigaye nibura iminsi itanu ngo iburanisha ribe, isobanura neza impamvu gishingiraho. Muri iyo nyandiko, icyo gihugu:
- i) cyerekana ku buryo bwose bushoboka aho gishingira kivuvuga ko umutekano wacyo ushobora guhungabana ; kandi
  - ii) gishobora gusaba Umucamanza cyangwa Urugereko rwa Mbere rw'Iremezo gufata ingamba zikwiye zo kubungabunga umutekano mu rwego rw'iburanisha ryerekeranye n'icyifuzo kibyutsa ikibazo, by'umwihariko muri zo harimo:
    - a) kuburanishiriza mu muhezo kandi ari cyo cyonyine gihari ;
    - b) kwemererwa gutanga inyandiko zisibyemo ibice bimwe kitifuza kwasasa, ziherekejwe n'inyandiko yakozwe hejuru y'indahiro n'umukozi mukuru wo muri icyo gihugu isobanura impamvu ibyo bice byasibwe ;
    - c) gutegeka ko nta nyandikomvugo y'iburansisha igomba gukorwa kandi ko inyandiko IRMCT itagikeneye zihita zisubizwa icyo gihugu zitagombye gushyikirizwa ibiro bya Gerefiye cyangwa kubikwa mu bundi buryo ubwo ari bwo bwose.
- G) Ku birebana n'imihango iteganywa mu gika F), Umucamanza cyangwa Urugereko rwa Mbere rw'Iremezo bashobora gufata ingamba zikurikira zo kubungabunga umutekano mu gihe cy'iburanisha ryerekeye icyo cyifuzo kibyutsa ikibazo:
- i) gushyiraho Umucamanza umwe rukumbi cyangwa Urugereko bagomba gususuzuma inyandiko no kumva ibisobanuro bitangwa n'abafashe ijambo ; no/cyangwa;

- ii) kwemerera icyo gihugu kwizanira abasemuzi bacyo bwite muri iryo buranisha hamwe n'inyandiko zirimo ibibazo bigomba kwitonderwa cyane cyahinduye ubwacyo mu ndimi za ngombwa.
- H) Iyo icyifuzo cyatanzwe hashingiwe kuri iyi Ngingo cyanzwe, ntibibuza ko nyuma hakongera gutangwa ikindi cyifuzo kirebana n'izo nyandiko cyangwa ayo amakuru iyo habonetse impamvu nshya.
- I) icyemezo gifashwe hashingiwe ku iyi Ngingo gishobora guteganya ingamba zikwiye ku birebana n'inyandiko cyangwa amakuru byatanzwe n'igihugu kugira ngo habungabungwe umutekano wacyo, muri zo hakaba habamo iziteganywa mu gika F) ii) cyangwa G).

### **Ingingo ya 57**

#### **Kohereza no kubahiriza inyandiko zo gufata**

- A) Urwandiko rwo gufata rugomba gushyirwaho umukono n'Umucamanza umwe rukumbi kandi rugomba kuba ruteyeho kashe ya IRMCT.
- B) Umwimerere w'urwandiko rwo gufata ubikwa na Gerefiye ukora kopi zemejwe ko zihuje n'umwimerere kandi ziteyeho kashe ya IRMCT.
- C) Buri kopi y'urwandiko rwo gufata yemejwe ko ihuye n'umwimerere iherekezwa na kopi y'inyandiko y'ibirego na yo yemejwe ko ihuye n'umwimerere hashingiwe ku Ngingo ya 48 G) hamwe n'inyandiko yibutsa uburenganzira bw'uregwa buteganywa n'Ingingo ya 19 ya Sitati n'iya 40 na 41 z'Amategeko, ariko hahindutse ibigomba guhinduka. Iyo uregwa nta na rumwe yumva mu ndimi zombi zikoreshwa na IRMCT kandi Gerefiye yaramenyeshajwe ururimi uregwa yumva, buri kopi y'urwandiko rwo gufata yemejwe ko ihuye n'umwimerere na yo iherekezwa n'inyandiko yibutsa uburenganzira bw'uregwa yahinduwe muri urwo rurimi yumva.
- D) Haseguriwe icyemezo cy'Umucamanza umwe rukumbi, Gerefiye ashobora koherereza kopi y'urwandiko rwo gufata yemejwe ko ihuye n'umwimerere umuntu cyangwa abategetsu bireba, undi mutegetsu cyangwa umuryango mpuzamahanga, cyangwa se Porokireri, hakurikijwe uko byagenwe n'Umucamanza umwe rukumbi.

- E) Kopi y'urwandiko rwo gufata yemejwe ko ihuye n'umwimerere iherekezwa n'icyemezo gitegeka ko uregwa yoherezwa bidatinze ku cyicaro cy'ishami rya IRMCT bireba mu gihe uregwa yaba ari mu maboko ya IRMCT ariko acunzwe n'abo bategetsi, uwo muryango mpuzamahanga cyangwa Porokireri.
- F) Gerefiye amenyeshya umuntu cyangwa abategetsi bohererejwe urwandiko rwo gufata ko iyo uregwa afashwe bagomba kumusomera mu rurimi yumva inyandiko y'ibirego n'iyibutsa uburenganzira bwe, kumuburira muri urwo rurimi yumva ko afite uburenganzira bwo kunuma kandi ko ibyo avuga bifatwa mu nyandiko cyangwa mu majwi bikaba byashobora gukoreshwa nk'ikimenyetso.
- G) Iyo uregwa akimara gufungwa, amenyeshwa mu rurimi yumva ko azoherezwa bidatinze ku cyicaro cy'ishami rya IRMCT bireba.
- H) Hatitawe ku biteganywa n'igika E), iyo mu gihe cy'ifatwa uregwa ashyikirijwe inyandiko y'ibirego n'iyibutsa uburenganzira bwe cyangwa iyo ashyikirijwe izo nyandiko zarahinduwe mu rurimi yumva kandi ashobora gusoma, ntibiba ngombwa kuzimusomera.
- I) Iyo urwandiko rwo gufata umuntu rwatanzwe na TPIY, TPIR cyangwa IRMCT rwubahirijwe n'abategetsi b'igihugu, umutegetsi cyangwa umuryango mpuzamahanga bireba, umukozi wo mu Biro bya Porokireri ashobora kuba ari aho bibera guhera igihe uregwa afatiwe.

## **Ingingo ya 58**

### **Ubufatanye bwa IRMCT n'ibihugu**

Igihugu cyoherejwe urwandiko rwo gufata uregwa cyangwa itegeko ryo gushyikiriza IRMCT umutangabuhamya w'imfungwa gikora uko gishoboye kugira ngo kibyubahirize bidatinze, hashingiwe ku Ngingo ya 28 ya Sitati. Ibyo birimo n'uko iyo umutangabuhamya ari imfungwa bagomba kumworohera gutanga ubuhamya hakoreshejwe ikoranabuhanga ry'amajwi n'amashusho rituma abantu bavugana barebana kandi batari hamwe (*video-conference*), iyo ari ngombwa cyangwa ari byo bikwiye.



## **Ingingo ya 59**

### **Ibikurikira ifatwa ry'uregwa**

- A) Iyo uregwa amaze gufatwa, igihugu cyangwa umuryango mpuzamahanga bireba biramufunga bigahita bibimenyesha Gerefiye. Kwimurira uregwa ku cyicaro cy'ishami rya IRMCT bireba bikorwa n'abategetsi b'igihugu bireba bafatanyije na Gerefiye n'abategetsi b'igihugu iryo shami rya IRMCT rifitemo icyicaro.
- B) Iyo uregwa afashwe hubahirizwa urwandiko rwo gufata rwatanzwe hashingiwe ku Ngingo ya 14 B), Gerefiye atunganya umuhango wo kumwohereza mu gihugu kivugwa mu rwandiko rwo gufata.

## **Ingingo ya 60**

### **Amategeko y'ibihugu yerekeranye no kohereza ukurikiranyweho icyaha mu kindi gihugu**

Inshingano zikubiye mu Ngingo ya 28 ya Sitati ntizibangamirwa n'inzitizi zishobora kuboneka mu mategeko y'igihugu cyangwa mu masezerano mpuzamahanga igihugu bireba cyashyizeho umukono. icyo gihugu ntigishobora kandi kwitwaza izo nzitizi ngo cyange gushyikiriza IRMCT uregwa cyangwa umutangabuhamyi w'imfungwa hashingiwe ku Ngingo ya 58.

## **Ingingo ya 61**

### **Kutubahiriza urwandiko rwo gufata cyangwa kwimura umuntu**

- A) Iyo igihugu cyoherejwe urwandiko rwo gufata cyangwa rwo kwimura umuntu kitashoboye kubahiriza ibyo cyasabwe, gihita kibimenyesha Gerefiye kandi gisobanura impamvu kitabikoze.
- B) Iyo mu gihe gishyize mu gaciro igihugu kitamenyekanishije ingamba cyafashe zo kubahiriza ibisabwa mu rwandiko rwo gufata cyangwa rwo kwimura umuntu, ibyo bifatwa nk'uko kitashoboye kubyubahiriza kandi IRMCT, ibinyujije kuri Perezida, ibimenyesha Inama Ishinzwe Amahoro ku Isi.

## **Ingingo ya 62**

### **Itangazwa ry'inyandiko y'ibirego**

Bisabwe na Porokireri, Gerefiye ashidikiriza abategetsi b'igihugu cyangwa b'ibihugu cyangwa umuryango mpuzamahanga itangazo ryo gucisha mu binyamakuru, kuri interineti, kuri radiyo, cyangwa kuri televiziyo kugira ngo uregwa amenyeshwe ku mugaragaro ko hari inyandiko y'ibirego imushinja, rimusaba kwishyira mu maboko ya IRMCT, rinasaba kandi buri muntu wese waba azi aho uregwa aherereye kuyibimenyesha.

## **Ingingo ya 63**

### **Ibikorwa iyo ibisabwa mu rwandiko rwo gufata uregwa bitubahirijwe**

- A) Iyo nyuma y'igihe gishyize mu gaciro, ibisabwa mu rwandiko rwo gufata rwatanzwe na TPIY, TPIR cyangwa IRMCT bitubahirijwe kandi uregwa atarashyikirijwe ubwe inyandiko y'ibirego, Perezida ashobora gushyiraho Umucamanza umwe rukumbi usaba Porokireri gusobanura ingamba yafashe kuri icyo kibazo. Iyo Umucamanza umwe rukumbi abona neza ko:
- i) Porokireri na Gerefiye bakoze ibishoboka ngo bafatise uregwa, harimo kwifashisha abategetsi babishinzwe b'igihugu uregwa abarizwamo cyangwa yabarizwagamo bwa nyuma, cyangwa ab'igihugu gitegeka cyangwa kigenzura aho abarizwa cyangwa yabarizwaga bwa nyuma; kandi ko
  - ii) iyo aho uregwa abarizwa hatazwi, Porokireri na Gerefiye barakoze ibishoboka byose ngo bahamenye, birimo no gucisha amatangazo mu binyamakuru, nk'uko biteganywa n'Ingingo ya 62, icyo gihe Umucamanza umwe rukumbi ateguka ko Porokireri amushyikiriza inyandiko y'ibirego.
- B) Iyo icyo cyemezo kimaze gufatwa, Porokireri asobanurira Umucamanza umwe rukumbi mu ruhamye inyandiko y'ibirego hamwe n'ibimenyetso byose byari byashyikirijwe Umucamanza wayemeje mbere. Na none, Porokireri ashobora guhamagaza umutangabuhamya uwo ari we wese watanze ubuhamya bwashyikirijwe Umucamanza wemeje iyo nyandiko y'ibirego mbere, kugira ngo amubaze ibibazo imbere y'Umucamanza umwe rukumbi. Byongeye kandi, Umucamanza umwe rukumbi ashobora

gusaba Porokireri guhamagaza umutangabuhamy a uwo ari we wese watanze ubuhamy bwashyikirijwe Umucamanza wemeje inyandiko y'ibirego mbere.

- C) Iyo Umucamanza umwe rukumbi, ashingiye kuri ibyo bimenyetso n'ibindi byose Porokireri ashobora gutanga, abona hari impamvu zihagije zituma umuntu abona ko uregwa yakoze icyaha cyangwa ibyaha byose aregwa nk'uko byanditse mu nyandiko y'ibirego, afata icyemezo gikwiye. Umucamanza umwe rukumbi asaba Porokireri gusoma ibice by'ingenzi by'inyandiko y'ibirego, no kwerekana icyo yakoze kugira ngo ayimenyeshe uregwa nk'uko biteganywa hejuru mu gika A).
- D) Byongeye kandi, Umucamanza umwe rukumbi yohereza ibihugu byose urwandiko mpuzamahanga rwo gufata uregwa. Umucamanza umwe rukumbi, abisabwe na Porokireri cyangwa abyibwirije kandi amaze kumva icyo Porokireri abivugaho, ashobora gutegeka igihugu iki n'iki gufata ingamba zo gushingana umutungo w'uregwa bitewe n'uburemere bw'ibyaha ashinjwa ndetse n'umwanya w'ubutegetsi yari afite, ariko bitabangamiye uburenganzira abandi bafite kuri uwo mutungo.
- E) Iyo Porokireri ashoboye kwemeza Umucamanza umwe rukumbi ko inyandiko y'ibirego itashyikirijwe uregwa ubwe bitewe n'uko igihugu cyananiwe cyangwa cyanze gufatanya na IRMCT kuri bimwe cyangwa kuri byose, hashingiwe ku Ngingo ya 28 ya Sitati, Umucamanza umwe rukumbi akora inyandiko yemeza ko icyo gihugu kitubahirije ibyo gisabwa. Perezida abimenyesha Inama Ishinzwe Amahoro ku Isi, mu nzira abona zikwiye.

#### **Ingingo ya 64**

##### **Kwitaba urukiko bwa mbere n'umuhango wo kwemera cyangwa guhakana icyaha**

- A) Iyo uregwa akimara kugezwa ku cyicaro cy'ishami rya IRMCT bireba, Perezida agena bidatinze Urugereko rwa Mbere rw'Iremezo ruzamuburanisha, cyangwa Umucamanza umwe rukumbi iyo ari urubanza rushingiye ku Ngingo ya 14 ya Sitati. Uregwa yitaba bidatinze umwe mu bacamanza bagize Urugereko rwa Mbere rw'Iremezo cyangwa Umucamanza umwe rukumbi wagenwe, bitewe n'ugomba gushyikirizwa ikibazo, maze agashinjwa ku mugaragaro. Umucamanza:
- i) asuzuma niba uburenganzira bw'uregwa bwaburaburijwe, hakubiyemo n'ubwo kugira avoka umwunganira ;

- ii) asomera uregwa inyandiko y'ibirego mu rurimi yumva cyangwa agategeka ko ayisomerwa, akanasuzuma niba yumvise neza ibyo ashinjwa kandi akemeza ko yabyumvise koko.
  - iii) amenyeshya uregwa ko, mu gihe kitarenze iminsi 30 ikurikira umuhango wo kwitaba urukiko bwa mbere, azasabwa kwemera cyangwa guhakana icyaha kuri buri kirego, ariko ko abisabye ashobora guhita yemera cyangwa ahakana icyaha ku kirego kimwe cyangwa byinshi ; kandi
  - iv) iyo uregwa atagize icyo asubiza muri uwo muhango wo kwitaba urukiko bwa mbere cyangwa mu muhango nk'uko ukurikiyeho, Umucamanza amwandikira ko ahakanye ibyo ashinjwa.
- B) i) Iyo uregwa ahakanye ibyo ashinjwa, Umucamanza agena itariki yo gutangira kuburanisha urubanza.
- ii) Iyo uregwa yemeye icyaha:
- a) Umucamanza umwe rukumbi akurikiza ibiteganywa mu gika C) ; cyangwa
  - b) umwe mu bacamanza bagize Urugereko rwa Mbere rw'Iremezo yoherereza ubwo bwemeracyaha Urugereko rwa Mbere rw'Iremezo kugira ngo rukurikize ibiteganywa mu gika C).
- C) Iyo uregwa yemeye icyaha nk'uko biteganywa mu gika B) cyangwa agasaba kwisubira ngo yemere icyaha yari yarahakanye, Urugereko rwa Mbere rw'Iremezo cyangwa Umucamanza umwe rukumbi bagomba kugenzura niba ubwemeracyaha bwe:
- i) bwabaye nta gahato kandi ku bwende ;
  - ii) yabutanze azi neza icyo yiyemeje ;
  - iii) butarimo urujijo ; kandi
  - iv) bushingiye ku bimenyetso bihagije mu kugaragaza icyaha n'uruhare uregwa yagize mu ikorwa ryacyo, hitawe ku bimenyetso nyakuri cyangwa ku kuba hagati y'uregwa na Porokireri nta kunyuranya gukomeye kuriho ku birebana n'uko ibintu byagenze.

Nyuma, Urugereko rwa Mbere rw'Iremezo cyangwa Umucamanza umwe rukumbi bashobora kwemeza ko uregwa ahamwa n'icyaha, maze bagategeka Gerefiye gushyiraho itariki y'iburanisha ku birebana n'igihano.

- D) Iyo biri mu nyungu z'ubutabera, Gerefiye ashobora kugena avoka cyangwa avoka w'agateganyo, hashingiwe ku Ngingo ya 43 C), kugira ngo bunganire uregwa mu muhango wo kwitaba urukiko bwa mbere. Ajena uwo avoka hakurikijwe ibiteganywa n'amabwiriza avugwa mu Ngingo ya 43 A) kuri icyo kibazo.
- E) Mu gihe kitarenze iminsi 30 ikurikira umuhango wo kwitaba urukiko bwa mbere, iyo uregwa atahisemo avoka uhoraho umwunganira cyangwa iyo atamenyesheje mu nyandiko ko ateganya kwiburanira hashingiwe ku Ngingo ya 43 F), Gerefiye agenera uregwa avoka uhoraho wo kumwunganira. Iyo Gerefiye adashoboye kumugenera avoka uhoraho umwunganira mu gihe yahawe, asaba Urugereko rwa Mbere rw'Iremezo cyangwa Umucamanza umwe rukumbi kumwongerera igihe cyo kumushaka.

## **Ingingo ya 65**

### **Ibikorwa iyo habayeho amasezerano y'ubwemeracyaha**

- A) Porokireri n'Ubwunganizi bashobora kumvikana ko nyuma y'uko uregwa yemera ibyaha byose ashinjwa, cyangwa kimwe cyangwa ibirenze kimwe muri byo, Porokireri azakora ibi bikurikira cyangwa bimwe muri byo imbere y'Urugereko rwa Mbere rw'Iremezo cyangwa imbere y'Umucamanza umwe rukumbi:
- i) gusaba uruhushya rwo guhindura inyandiko y'ibirego kugira ngo ihuzwe n'ubwo bwemeracyaha;
  - ii) gusabira uregwa igihano iki n'iki cyangwa kwerekana ibihano ntarengwa abona bikwiriye ; na /cyangwa
  - iii) kutarwanya icyifuzo cy'uregwa gisaba guhanishwa igihano iki n'iki cyangwa kutarengerezwa ibihano ibi n'ibi.
- B) Urugereko rwa Mbere rw'Iremezo ntirutegetswe gukurikiza ibiri mu masezerano avugwa mu gika A).
- C) Iyo ababuranyi bagiranye amasezerano y'ubwemeracyaha, Urugereko rwa Mbere rw'Iremezo rusaba ko ayo masezerano ashirwa ku mugaragaro, haba mu iburanisha ryo

mu ruhame, cyangwa mu muhezo iyo hatanzwe impamvu zumvikana, ari na bwo uregwa yemera ibyaha hashingiwe ku Ngingo ya 64 C) cyangwa agasaba kwisubira, yemera ibyaha yari yarahakanye mbere.

### **Ingingo ya 66**

#### **Ibazwa ry'uregwa**

- A) Uregwa ntashobora kubazwa avoka we adahari, kabone n'iyi byaba ari nyuma yo kwitaba urukiko bwa mbere, keretse iyo yiyemereye mu buryo bweruye, kandi ku bwende bwe, ko ashobora kubazwa avoka we adahari. Iyo nyuma yaho uregwa yifuje kubazwa avoka we ahari, ibazwa rihita risubikwa, rigasubukurwa ari uko avoka ahari.
- B) Ibazwa ry'uregwa kimwe no kwivutsa mu buryo ubwo ari bwo bwose uburenganzira bwo kunganirwa n'avoka, bifatwa mu majwi cyangwa kuri videwo, hashingiwe ku Ngingo ya 41. Mbere y'uko ibazwa ritangira, Porokireri amenyeshya uregwa uburenganzira bwe nk'uko biteganywa n'Ingingo ya 40 A) iii).

### **Ingingo ya 67**

#### **Ifungwa ry'agateganyo**

Iyo uregwa amaze kugezwa ku ishami rya IRMCT bireba, afungirwa mu mazu yatanzwe n'igihugu iryo shami rya IRMCT rifitemo icyicaro cyangwa n'ikindi gihugu icyo ari cyo cyose. Iyo hari impamvu zidasanzwe, uregwa ashobora gufungirwa mu gihugu kitari icyo ishami rya IRMCT bireba rifitemo icyicaro. Perezida abisabwe n'umwe mu baburanyi ashobora gusaba ko ibirebana n'imifungire y'uregwa bihindurwa.

### **Ingingo ya 68**

#### **Ifungurwa ry'agateganyo**

- A) Iyo uregwa amaze gufungwa, ntashobora gufungurwa by'agateganyo bidategetswe n'Urugereko.
- B) Urugereko rwa Mbere rw'Iremezo rushobora gutegeka ko gutegeka ko uregwa afungurwa by'agateganyo igihe cyose rutaraca urubanza ariko rukabanza kumva icyo igihugu kirimo ishami rya IRMCT bireba n'igihugu uregwa yifuza koherezwamo bibivugaho

kandi rubitegeka ari uko gusa rudashidikanya ko uregwa azarwitaba ngo aburane, ndetse ko namara kurekurwa, atazahungabanya umutekano w'umuntu, uwo ari we wese, wakorewe icyaha, umutangabuhanya cyangwa undi muntu uwo ari we wese. Urugereko rushobora gufungura uregwa by'agateganyo iyo hariho impamvu za kimuntu.

- C) Urugereko rwa Mbere rw'Iremezo rushobora kwemeza ko uregwa afungurwa by'agateganyo ariko rukamutegeka ibyo agomba kubahiriza rubona bikwiye, nko kumutegeka gutanga amafaranga y'ingwate no kumugenera uburyo agomba kwitwararika kugira ngo azashobore kwitaba urukiko igihe cy'urubanza kandi ntazagire uwo abangamira.
- D) icyemezo cyose gifashwe n'Urugereko rwa Mbere rw'Iremezo hashingiwe kuri iyi Ngingo gishobora kujurirwa.
- E) Iyo Porokireri ateganya kuzajuririra icyemezo Urugereko rwa Mbere rw'Iremezo rushobora gufata cyo gufungura uregwa by'agateganyo, ashobora kurusaba gusubika iyubahirizwa ry'icyo cyemezo. icyo cyifuzo agitangira rimwe n'imyanzuro ye isubiza icyifuzo cy'uregwa gisaba gufungurwa by'agateganyo.
- F) Iyo Urugereko rwa Mbere rw'Iremezo rwemeze gusubika iyubahirizwa ry'icyemezo cyarwo cyo gufungura uregwa by'agateganyo, Porokireri atanga ubujurire bwe bitarenze umunsi ukurikira uwo icyo cyemezo gisomeweho.
- G) Iyo Urugereko rwa Mbere rw'Iremezo rusubitse iyubahirizwa ry'icyemezo cyarwo cyo gufungura by'agateganyo uregwa, mu gihe hategerejwe icyemezo ku bujurire bwa Porokireri, uregwa ntafungurwa keretse iyo:
- i) igihe cyo kujurira cyarenze Porokireri ataratanga ubujurire kandi ntagire n'ubwo atanga;
  - ii) Urugereko rw'Ubujurire rwemeze ko ubujurire nta shingiro bufite ; cyangwa
  - iii) Urugereko rw'Ubujurire rubitegetse ukundi.
- H) Iyo uregwa yafunguwe by'agateganyo cyangwa atigeze afungwa kubera izindi mpamvu, Urugereko rwa Mbere rw'Iremezo rushobora, iyo rubona ari ngombwa, gutanga urwandiko rwo kumufata kugira ngo azashobore kurwitaba. Iyo bigenze bityo,

hubahirizwa ibiteganywa kuva ku Ngingo ya 55 kugeza ku ya 63, ariko hahindutse ibigomba guhinduka.

- I) Haseguriwe ibiteganywa n'Ingingo ya 131, Urugereko rw'Ubujurire rushobora gufungura by'agateganyo uwakatiwe mu gihe hategerejwe ko urubanza rwe mu bujurire rucibwa cyangwa mu gihe runaka, iyo rwizeye neza ko:
- i) ujurira nafungurwa azitaba Urugereko rw'Ubujurire igihe cy'iburanisha cyangwa ko azigarura muri gereza nyuma y'igihe runaka yahawe, bitewe n'uko bimeze;
  - ii) ujurira nafungurwa atazagirira nabi abakorewe ibyaha, abatangabuhamyanya cyangwa undi muntu uwo ari we wese ; kandi
  - iii) hariho impamvu zihariye zatuma uwakatiwe afungurwa by'agateganyo. Ibiteganywa mu bika C) na H) birakurikizwa, ariko hahindutse ibigomba guhinduka.

## **Ingingo ya 69**

### **Inama ntegura rubanza**

- A) Urugereko rwa Mbere rw'Iremezo cyangwa Umucamanza umwe rukumbi batumiza inama ntegura rubanza mu gihe kitarenze iminsi ijana na makumyabiri uhereye ku itariki uregwa yarwitabiyeho bwa mbere, na nyuma yaho mu gihe kitarenze iminsi ijana na makumyabiri uhereye ku itariki inama iherukira kuba, kugira ngo:
- i) ababuranyi bungurane ibitekerezo bigamije kwihutisha ibirebana no gutegura iburanisha ry'urubanza ;
  - ii) hasuzumwe aho imyiteguro y'urubanza igeze kandi bahe uregwa umwanya wo kubyutsa ibibazo byerekeye urubanza, harimo n'ukuntu ubuzima bwe bwo mu mutwe no ku mubiri bumeze.
- B) Urugereko rw'Ubujurire cyangwa umwe mu bacamanza barugize batumiza inama ntegura rubanza mu gihe kitarenze iminsi ijana na makumyabiri uhereye ku itariki inyandiko y'ubujurire yatangiweho, na nyuma yaho mu gihe kitarenze iminsi ijana na makumyabiri uhereye ku itariki inama iherukira kuba kugira ngo umuntu wese ufunze ategereje



gucirwa urubanza mu bujuri ashobore kubyutsa ibibazo byerekeye urubanza rwe, harimo n'ukuntu ubuzima bwe bwo mu mutwe no ku mubiri bumeze.

- C) Iyo uregwa abyemeye mu nyandiko amaze kubigirwamo inama n'avoka we, inama ntegura rubanza ishobora kuba hashingiwe kuri iyi Ngingo:
- i) uregwa ubwe yibereye mu iburanisha, kandi avoka we arikurikirana hifashishijwe ikoranabuhanga ry'amajwi rituma abantu bavugana batari hamwe (*teleconference*) cyangwa ikoranabuhanga ry'amajwi n'amashusho rituma abantu bavugana barebana kandi batari hamwe (*video-conference*);
  - ii) uregwa atibereye mu iburanisha, ariko arikurikirana, niba abyifuza, hifashishijwe ikoranabuhanga ry'amajwi rituma abantu bavugana batari hamwe (*teleconference*) kandi/cyangwa avoka umwunganira na we akaryitabira hifashishijwe iryo koranabuhanga cyangwa ikoranabuhanga ry'amajwi n'amashusho rituma abantu bavugana barebana kandi batari hamwe.

## **Ingingo ya 70**

### **Gutegura urubanza**

- A) Mu gihe kitarenze iminsi irindwi uherye ku itariki uregwa yitabiyeho urugereko bwa mbere, Perezida w'Urugereko rwa Mbere rw'Iremezo ashinga Umucamanza umwe mu barugize ibirebana n'imihango ibanziriza iburanisha ry'urwo rubanza (hepfo aritwa « Umucamanza utegura urubanza »).
- B) Umucamanza utegura urubanza afite inshingano, abiyobowemo kandi abigenzurwamo n'Urugereko rwashyikirijwe urwo rubanza, zo guhuza ihererekanya makuru hagati y'impande zombi mu cyiciro kibanziriza iburanisha ry'urubanza. Umucamanza utegura urubanza akora ku buryo urubanza rudakererezwa nta mpamvu kandi afata ingamba zose za ngombwa kugira ngo urubanza ruzashobore kuburanishwa mu buryo buboneye kandi bwihuse.
- C) Umucamanza utegura urubanza ashinzwe imirimo yose irebana n'icyiciro kibanziriza iburanishwa ry'urubanza nk'uko iteganywa n'Ingingo ya 71, iya 72 n'iya 81, hamwe n'inshingano zose cyangwa zimwe mu ziteganywa n'Ingingo ya 80.

- D) Umucamanza utegura urubanza, abifashijwe n’umunyamategeko wo mu rwego rwo hejuru, iyo ari ngombwa, agena gahunda y’akazi yerekana inshingano ababuranyi bagomba kuzusa hashingiwe kuri iyi Ngingo ndetse n’ibihe ntarengwa bagomba kubahiriza.
- E) Iyo Umucamanza utegura urubanza akemuye ingoboka zose mbanzizarubanza zabyukijwe mu gihe giteganywa n’Ingingo ya 79, asaba Porokireri gutanga ibivugwa hano hasi mu gihe uwo mucamanza agena ariko kitari muni y’ibyumweru bitandatu mbere y’inama ibanziriza iburanisha iteganywa n’Ingingo ya 81:
- i) inyandiko ya nyuma y’imyanzuro mbanzizarubanza ye, irimo kuri buri kirego incamake y’ibimenyetso ateganya kuzashingiraho ku birebana n’imikorere y’icyaha kiregerwa no ku miterere y’uburyozwacyaha bw’uregwa; iyo myanzuro yerekana ibyo ababuranyi bumvikanaho ko bitagibwaho impaka, kimwe n’ibintu bigibwaho impaka haba ku byabaye cyangwa se ku byo mu rwego rw’amategeko;
  - ii) Irisite y’abatangabuhamya Porokireri ateganya guhamagaza yerekana:
    - a) izina rya buri mutangabuhamya cyangwa iryo yiswe mu rubanza;
    - b) incamake y’ibyabaye buri mutangabuhamya azatangaho ubuhamya;
    - c) ibyo buri mutangabuhamya azatangaho ubuhamya mu bivugwa mu nyandiko y’ibirego, by’umwihariko hagaragazwa neza ibirego n’ibika byo mu nyandiko y’ibirego azavugaho;
    - d) umubare wose w’abatangabuhamya n’umubare w’abatangabuhamya bazashinja buri uregwa n’uw’abazavuga kuri buri kirego;
    - e) niba umutangabuhamya aziyizira ubwe gutanga ubuhamya cyangwa niba, hashingiwe ku Ngingo za 110, 111, 112 cyangwa 113, hazifashishwa ubuhamya bwanditse yatanze mu iperereza cyangwa inyandikomvugo y’iburanisha ikubiyemo ubuhamya yatanze mbere mu rundi rubanza rwabereye muri TPIY, TPIR cyangwa IRMCT ; hamwe
    - f) n’igihe giteganywa kuri buri buhamya n’igihe cyose ugereranyije itangwa ry’ibimenyetso bishinja rizamara.
  - iii) Irisite y’ibimenyetso gihamya Porokireri ateganya gutanga, igaragaza kandi, aho bishoboka, niba Ubwunganizi bwemera ko ibyo bimenyetso ari imvaho cyangwa

niba butabyemera. Porokireri ashyikiriza Ubwunganizi kopi z'ibyo bimenyetso gihamya.

- F) Iyo Porokireri amaze gutanga inyandiko zivugwa mu gika E), Umucamanza utegura urubanza ategeka Ubwunganizi, mu gihe uwo mucamanza agena ariko kitari muni y'ibyumweru bitatu mbere y'inama ibanziriza iburanisha, gutanga imyanzuro mbanzirizarubanza ye ivuga ku byabaye no ku byerekeye amategeko kandi isobanura mu nyandiko ibi bikurikira:
- i) muri rusange, imiterere y'imyiregurire y'uregwa;
  - ii) ibintu uregwa akemanga mu myanzuro mbanzirizarubanza ya Porokireri;
  - iii) impamvu z'uregwa kuri buri kintu akemanga.
- G) Mu rwego rwo kurangiza inshingano ze, iyo Umucamanza utegura urubanza abona ari ngombwa ashobora kumva impande zombi uregwa adahari, kandi abyibwirije. Umucamanza utegura urubanza ashobora kumva impande zombi bari mu biro, icyo gihe uhagarariye Ibiro bya Gerefiye afata inyandikomvugo y'iyi nama.
- H) Umucamanza utegura urubanza amenyesha buri gihe Urugereko rwa Mbere rw'Iremezo aho ibintu bigeze, cyane cyane iyo hariho ibibazo bigibwaho impaka, kandi ashobora no kubirushyikiriza kugira ngo rubikemure.
- I) Umucamanza utegura urubanza ashobora kugena igihe ntarengwa ingoboka mbanzirizarubanza zigomba gutangwamo kandi, byaba ngombwa, akagena itariki yo kuzumva. Ingoboka mbanzirizarubanza igomba gukemurwa mbere y'uko urubanza rutangira kuburanishwa, keretse iyo Umucamanza utegura urubanza, kubera impamvu zumvikana, ategetse ko iyo ngoboka izakemurwa mu gihe urubanza ruzaba ruburanishwa. Iyo umuburanyi atabyukije ingoboka cyangwa ibindi byifuzo mu gihe cyagenwe n'Umucamanza utegura urubanza, bifatwa nk'aho uwo muburanyi yivukije uburenganzira bwo kubibyutsa; gusa uwo mucamanza ashobora, kubera impamvu zumvikana, kwemerera uwo muburanyi gusubirana ubwo burenganzira.
- J) Iyo Porokireri yamaze gutanga inyandiko zivugwa mu gika E), Umucamanza utegura urubanza ashyikiriza Urugereko rwa Mbere rw'Iremezo dosiye yuzuye irimo inyandiko zose zatanzwe n'impande zombi, inyandikomvugo z'inama ntegurarubanza ndetse

n'iz'inama Umucamanza utegura urubanza yakoresheje mu rwego rw'imirimo ye, hashingiwe kuri iyi Ngingo.

- K) Urugereko rwa Mbere rw'Iremezo rushobora, rubyibwirije, gukora imirimo iyo ari yo yose iri mu nshingano z'Umucamanza utegura urubanza.
- L) Rushingiye kuri raporo y'Umucamanza utegura urubanza, Urugereko rwa Mbere rw'Iremezo rugena, iyo bibaye ngombwa, ibihano bihabwa umuburanyi utarubahirije inshingano ze ziteganywa n'iyi Ngingo. Ibyo bihano bishobora kubamo n'icyo kwanga ibimenyetso bimwe na bimwe bishingiye ku buhamya bwatanzwe mu magambo cyangwa bishingiye ku nyandiko, ku majwi cyangwa ku mashusho.
- M) Iyo Porokireri amaze gutanga ibimenyetso bishinja kandi mbere y'uko Ubwunganizi butanga ibimenyetso bishinjura, Urugereko rwa Mbere rw'Iremezo rutegeka Ubwunganizi gutanga ibi bikurikira:
- i) irisite y'abatangabuhamya Ubwunganizi buteganya guhamagaza, yerekana:
    - a) izina rya buri mutangabuhamya cyangwa iryo yiswe mu rubanza;
    - b) incamake y'ibyabaye buri mutangabuhamya azatangaho ubuhamya;
    - c) ibyo buri mutangabuhamya azatangaho ubuhamya mu bivugwa mu nyandiko y'ibirego;
    - d) umubare wose w'abatangabuhamya n'umubare w'abatangabuhamya bazashinjura buri uregwa n'uw'abazavuga kuri buri kirego;
    - e) niba umutangabuhamya aziyizira ubwe gutanga ubuhamya cyangwa niba, hashingiwe ku Ngingo za 110, 111, 112 cyangwa 113, hazifashishwa ubuhamya bwe bwanditse yatanze mu iperereza cyangwa inyandikomvugo y'iburanisha ikubiyemo ubuhamya yatanze mbere mu rundi rubanza rwabereye muri TPIY, TPIR cyangwa IRMCT; na
    - f) igihe giteganywa kuri buri buhamya n'igihe cyose ugereranyije itangwa ry'ibimenyetso bishinjura rizamara.
  - ii) irisite y'ibimenyetso gihamya Ubwunganizi buteganya gutanga, bugaragaza kandi, mu gihe bishoboka, niba Porokireri yemera ko ibyo bimenyetso ari imvaho

cyangwa niba atabyemera. Ubwunganizi bushyikiriza Porokireri kopi z'ibyho bimenyetso gihamya.

- N) Urugereko rwa Mbere rw'Iremezo rwakira ibibazo ababuranyi bemeranywaho n'ibyho batemeranywaho byerekeranye n'ibyabaye cyangwa n'amategeko. Ku bw'ibyho, rushobora gutegeka ababuranyi kurugezaho imyanzuro yanditse.

## **Ingingo ya 71**

### **Inyandiko Porokireri amenyekanisha**

- A) Haseguriwe ibiteganywa n'Ingingo za 53, 75 na 78, Porokireri ashyikiriza Ubwunganizi ibi bikurikira mu rurimi uregwa yumva:
- i) mu gihe kitarenze iminsi mirongo itatu uherye ku itariki uregwa yitabiyeho Urugereko bwa mbere, amakopi y'ibimenyetso byose bishyigikira ikirego yaherekeje inyandiko y'ibirego ubwo Porokireri yasabaga ko yemezwa n'Umucamanza, hamwe n'ubuhamya bwose bw'uregwa bwafashwe na Porokireri ; no
  - ii) mu gihe kigenwa n'Urugereko rwa Mbere rw'Iremezo cyangwa Umucamanza utegura urubanza, kandi hasigaye nibura iminsi mirongo itatu ngo urubanza rutangire kuburanishwa, kopi z'inyandikomvugo z'ubuhamya bw'abatangabuhamya bose Porokireri ateganya guhamagaza mu iburanisha, ndetse na kopi z'inyandikomvugo z'iburanisha zose n'iz'ubuhamya bwanditse bwafashwe hashingiwe ku Ingingo za 110, 111, 112 na 113 ; kopi z'ubuhamya bwanditse bw'abandi batangabuhamya zishyikirizwa Ubwunganizi iyo hafashwe icyemezo cyo kubahamagaza mu iburanisha.
- B) Porokireri, abisabwe n'Ubwunganizi, agomba kubwemerera gusuzuma ibitabo, inyandiko, amafoto, n'ibindi byose bifatika afite cyangwa agenzura bikenewe cyane mu kwiregura k'uregwa, cyangwa bizatangwaho ibimenyetso na Porokireri mu rubanza, cyangwa byakomotse k'ushinjwa cyangwa se byari bifatwe n'ushinjwa.
- C) Iyo abona ko gushyikiriza ibimenyetso bye Ubwunganizi bishobora kubangamira iperereza rizakorwa cyangwa ririmo gukorwa, cyangwa kubera indi mpamvu iyo ari yo yose bikaba byabangamira inyungu za rubanda cyangwa umutekano w'igihugu iki n'iki,

Porokireri ashobora gusaba Urugereko rwa Mbere rw'Iremezo, ruburanishiriza mu muhezo, kumwemerera kutubahiriza iyo nshingano yo kumenyekanisha ayo makuru. Iyo Porokireri atanze icyo cyifuzo, agomba gushyikiriza Urugereko rwa Mbere rw'Iremezo (kandi rwonyine gusa) amakuru cyangwa ibimenyetso yifuza ko bigirirwa ibanga.

## **Ingingo ya 72**

### **Imenyekanisha ry'inyongera**

Haseguriwe ibivugwa mu Ngingo ya 53 n'ya 79:

- A) Mu gihe kigenwa n'Urugereko rwa Mbere rw'Iremezo, nyuma y'uko rufata icyemezo hashingiwe ku Ngingo ya 121, ariko hasigaye nibura icyumweru kimwe ngo ibimenyetso bishinjura bitangire gutangwa, Ubwunganizi:
- i) bubisabwe na Porokireri, bugomba kumwemerera gusuzuma no gufata amakopi y'ibitabo, inyandiko, amafoto, n'ibindi byose bifatika bufite cyangwa bugenzura, kandi buteganya gukoresha nk'ibimenyetso mu iburanisha;
  - ii) guha Porokireri kopi z'inyandikomvugo z'ubuhamya bw'abatangabuhamya bose buteganya guhamagaza mu iburanisha, iyo ziriho, kimwe n'iz'ubuhamya bwose bwanditse bwafashwe hashingiwe ku Ngingo za 110, 111, 112 cyangwa 113 kandi buteganya kuzatanga mu iburanisha. Kopi z'ubwo buhamya bwanditse bw'abandi batangabuhamya, iyo ziriho, zishyikirizwa Porokireri mbere y'uko hafatwa icyemezo cyo kubahamagaza mu iburanisha.
- B) Mu gihe kigenwa n'Urugereko rwa Mbere rw'Iremezo:
- i) Ubwunganizi bumenyeshya Porokireri ko buteganya kuziregura bushingiye kuri ibi bikurikira:
    - a) imyiregurire ya sinari mpari (*alibi*). Ku bw'ibyo, avuga ahantu uregwa yemeza ko yari ari igihe ibyo ashinjwa byakorwaga, amazina y'abatangabuhamya babizi n'aho babarizwa, n'ibindi bimenyetso byose uregwa ateganya gushingiraho mu kwerekana ko atari aho icyaha cyakorewe igihe cyakorwaga ;
    - b) indi myiregurire idasanzwe, nko kwerekana ko muri icyo gihe ibivugwa byabaga, uregwa yari afite uburwayi bwo mu mutwe bwatuma ataryozwa

ibyoyakoze cyangwa se bwatuma uburyozwacyaha bwe bugabanuka. Ku bw'ibyoy, agaragaza amazina y'abatangabuhamya babihamya n'aho babarizwa, ndetse n'ibindi bimenyetso ateganya kuzashingiraho mu gushyigikira iyo myiregurire ; kandi

- ii) Porokireri amenyesha Ubwunganizi amazina y'abatangabuhamya ateganya kuzifashisha kugira ngo avuguruzwe imyiregurire yose yamenyeshejwe hashingiwe ku gika B) i);
- C) Kuba Ubwunganizi butaramenyeshesheje Porokireri mu nyandiko iyo myiregurire iteganywa n'iyi Ngingo ntibihungabanya uburenganzira bw'uregwa bwo kuyiyambaza.
- D) Iyo umwe mu baburanyi atahuye ibimenyetso cyangwa amakuru n'ibindi byose by'inyongera byagombye kuba byaratanzwe mbere hashingiwe kuri aya Mategeko, abimenyesha vuba na bwangu undi muburanyi n'Urugereko rwa Mbere rw'Iremezo.

### **Ingingo ya 73**

#### **Kumenyekanisha ibimenyetso bishinjura n'ibindi birebana n'urubanza**

Hasegurawe ibivugwa mu Ngingo ya 76:

- A) Porokireri amenyesha Ubwunganizi adatinze ibimenyetso azi ko koko bishobora gushinjura uregwa, kugabanya uburyozwacyaha bwe, cyangwa gutuma ibimenyetso bimushinja bikemangwa.
- B) Hasegurawe ibivugwa mu gika A), Porokireri ashyikiriza Ubwunganizi inyandiko afite zirebana n'urubanza akoresheje ibyuma bya mudasobwa ndetse akanabwoherereza porogaramu ibyo byuma bikoresha kugira ngo bushobore gusoma izo nyandiko.
- C) Iyo Porokireri abonye amakuru y'ibanga, ayahawe n'umuntu cyangwa n'urwego runaka mu buryo buteganywa n'Ingingo ya 76 B), kandi ayo makuru akaba akubiyemo ibimenyetso biri mu rwego rw'ibivugwa mu gika A) cy'iyi Ngingo, akora ibishoboka bishyize mu gaciro kugira ngo yemererwe n'uwo muntu cyangwa urwo rwego ko ayo makuru ayamenyesha Ubwunganizi cyangwa abumenyesha ko ariho;
- D) Iyo Porokireri abona ko gushyikiriza Ubwunganizi amakuru runaka bishobora kubangamira iperereza rizakorwa cyangwa ririho rikorwa, cyangwa ko kubera indi

mpamvu iyo ari yo yose bishobora kubangamira inyungu rusange za rubanda cyangwa umutekano w'igihugu runaka, ashobora gusaba Urugereko rwa Mbere rw'Iremezo, ruburanishiriza mu muhezo, kumusonera ntatange ayo makuru. Mu cyifuzo cye, Porokireri ashidikiriza Urugereko rwa Mbere rw'Iremezo rwonyine amakuru yifuzako yagirirwa ibanga.

- E) Porokireri ashidikiriza Ubwunganizi ibivugwa byose mu gika A) cy'iyi Ngingo, kabone n'iyu urubanza rwaba rwararangiye cyangwa hashobora kuzabaho ubujurire.

### **Ingingo ya 74**

#### **Kutubahiriza inshingano yo kumenyekanisha amakuru**

Umucamanza ushinzwe gutegura urubanza cyangwa Urugereko rwa Mbere rw'Iremezo bashobora, babyibwirije cyangwa babisabwe n'umuburanyi, gufatira ibihano umuburanyi utubahiriza inshingano yo kumenyekanisha ibimenyetso no kugenera umuburanyi warenganye indihano ikwiye, cyangwa kimwe muri ibyo byombi.

### **Ingingo ya 75**

#### **Kurinda umutekano w'abakorewe ibyaha n'uw'abatangabuhamya**

(Yahinduwe ku itariki ya 9 Mata 2018)

- A) Iyo hariho impamvu zidasanzwe, umuburanyi ubishaka ashobora gusaba Urugereko rwa Mbere rw'Iremezo gutanga itegeko ryo kutasasa umwirondoro w'umuntu wakorewe icyaha cyangwa uw'umutangabuhamya kugira ngo bitabashyira mu kaga, kugeza igihe Urugereko rubitegetse ukundi.
- B) Mu gushyiraho ingamba zo kurinda umutekano w'abakorewe ibyaha n'uw'abatangabuhamya, Urugereko rwa Mbere rw'Iremezo rushobora kugisha inama Agashami gashinzwe gufasha abatangabuhamya no kubarindira umutekano.
- C) Haseguriwe ibiteganywa n'Ingingo ya 86, umwirondoro w'abakorewe ibyaha cyangwa uw'abatangabuhamya ugomba kumenyekanishwa mu gihe kigenwa n'Urugereko rwa Mbere rw'Iremezo, kugira ngo Porokireri n'Ubwunganizi babone igihe gihagije cyo kwitegura.



## Ingingo ya 76

### Ibyo ababuranyi badategetswe kumenyekanisha

- A) Hatitawe ku biteganywa n’Ingingo ya 71 n’iya 72, amaraporo, ubutumwa bwanditse cyangwa izindi nyandiko zo mu kazi zateguye n’umwe mu baburanyi, abamufasha cyangwa abamuhagarariye mu gukora iperereza, mu gutegura dosiye cyangwa mu kuyiburana si ngombwa ko bihabwa cyangwa bimenyeshwa undi muburanyi.
- B) Iyo Porokireri afite amakuru yabonye mu ibanga kandi yakoreshejwe hagamiywe gusa gukusanya ibindi bimenyetso, ntashobora kumenyekanisha ayo makuru yo mu ikubitiro n’aho akomoka kereka abyemerewe n’umuntu cyangwa urwego byayatanze. Ayo makuru n’aho akomoka ntibishobora na rimwe gutangwaho ikimenyetso mbere y’uko bimenyeshwa uregwa.
- C) Iyo Porokireri, amaze kubyemererwa n’umuntu cyangwa urwego byatanze amakuru hashingiwe kuri iyi Ngingo, yiyemeje gushingira ku buhamya ubwo ari bwo bwose, inyandiko iyo ari yo yose cyangwa ibindi bimenyetso yahawe muri ubwo buryo, Urugereko rwa Mbere rw’Iremezo ntirushobora, hatitawe ku biteganywa n’Ingingo ya 120, gutegeka ababuranyi bombi gutanga ibimenyetso by’inyongera bikomoka ku makuru yo mu ikubitiro yatanzwe n’uwo muntu cyangwa n’urwo rwego. Na none, ntirushobora guhamagaza uwo muntu ku giti cye cyangwa uhagarariye urwo rwego nk’abatangabuhamya cyangwa kubategeka kwitaba Urukiko. Urugereko rwa Mbere rw’Iremezo ntirufite ububasha bwo gutegeka ko abatangabuhamya bitaba cyangwa ko hatangwa inyandiko izi n’izi mu rwego rwo gushaka ibyo bimenyetso by’inyongera.
- D) Iyo Porokireri ahamagaje umutangabuhamya kugira ngo atange nk’ibimenyetso amakuru avugwa muri iyi Ngingo, Urugereko rwa Mbere rw’Iremezo ntirushobora guhatira uwo mutangabuhamya gusubiza ikibazo icyo ari cyo cyose kirebana n’ayo makuru cyangwa n’inkomoko yayo, iyo yanze gusubiza avuga ko ayo makuru ari ibanga.
- E) Uburenganzira bw’uregwa bwo kuvuguruzwa ibimenyetso byatanzwe na Porokireri bukomeza kubahirizwa, haseguriwe gusa ibivugwa mu bika C) na D).
- F) Urugereko rwa Mbere rw’Iremezo, rubisabwe n’uregwa, rushobora gutegeka ku nyungu z’ubutabera ko ibivugwa muri iyi Ngingo bikoreshwa no ku makuru yihariye uregwa afite, ariko hahindutse ibigomba guhinduka.

- G) Ibiteganywa n'ibika C) na D) ntibyambura Urugereko rwa Mbere rw'Iremezo ububasha ruhabwa n'Ingingo ya 105 D) bwo kutemera ibimenyetso bigaragara ko bidafite agaciro gahagije, ukurikije ibisabwa kugira ngo urubanza rucibwe mu buryo buboneye.

### **Ingingo ya 77**

#### **Ubuhamya butangiwe hanze y'Urukiko bisabwe n'umuburanyi**

- A) Kubera inyungu z'ubutabera, Urugereko rwa Mbere rw'Iremezo rushobora, rubyibwirije cyangwa se rubisabwe n'umwe mu baburanyi, gutegeka ko ubuhamya buzakoreshwa mu rubanza bufatirwa hanze y'Urukiko, hatitaweho ko umutangabuhamya ubutanga abashije cyangwa atabashije kwitaba IRMCT. Urugereko rwa Mbere rw'Iremezo rugena umuntu ushinzwe ifatwa ry'ubwo buhamya.
- B) icyifuzo gisaba ko ubuhamya bufatirwa hanze y'Urukiko cyangwa icyemezo gitegeka ko bufatwa cyafashwe n'Urugereko rubyibwirije, kigomba kuba cyanditse. Cyerekana izina ry'umutangabuhamya n'aho abarizwa, itariki n'ahantu ubwo buhamya buzatangirwa, ibyo umutangabuhamya agomba kubazwaho, n'impamvu zituma bugomba gufatwa.
- C) Iyo icyo cyifuzo cyemewe, umuburanyi wagitanze abimenyeshya uwo baburana mu gihe gikwiye, na we akagira uburenganzira bwo gukurikirana ifatwa ry'ubwo buhamya n'ubwo kunyomoza umutangabuhamya.
- D) Iyo ifatwa ry'ubuhamya ryemejwe n'Urugereko rubyibwirije, ababuranyi bagira uburenganzira bwo kurukurikirana no kunyomoza umutangabuhamya.
- E) Ubuhamya bushobora gufatirwa ku cyicaro cy'ishami rya IRMCT bireba, cyangwa ahandi hose, ndetse hashobora no gukoreshwa uburyo bw'ikoranabuhanga ry'amajwi n'amashusho butuma abantu bavugana barebana kandi batari hamwe (*video-conference*).
- F) Umuntu ushinzwe ifatwa ry'ubwo buhamya akora ibishoboka ngo bufatwe mu buryo buteganyijwe n'aya Mategeko bushyizwe mu nyandiko cyangwa mu byuma bifata amajwi, kimwe n'ibaza rinyomoza n'ibibazo by'ingoboka byabyukijwe n'umuburanyi uwo ari we wese kugira ngo bikemurwe n'Urugereko rwa Mbere rw'Iremezo. Nyuma, uwo muntu ashyikiriza dosiye Urugereko rwa Mbere rw'Iremezo.

## **Ingingo ya 78**

### **Ubuhamya budasanze bufatwa kugira ngo buzakoreshwe nk'ikimenyetso mu manza zizaba nyuma**

(Yahinduwe ku itariki ya 26 Nzeri 2016)

- A) Iyo hashize igihe gishyize mu gaciro urwandiko rwo gufata rutubahirijwe, Porokireri ashobora gushyikiriza Perezida icyifuzo gisaba ko ubuhamya burebana n'ibikubiye mu nyandiko y'ibirego bufatwa mu buryo budasanze kugira ngo bubikwe buzakoreshwe nk'ikimenyetso mu rubanza ruzaba nyuma. Ubwo buhamya bufatwa mu mihango y'iburanisha iyobowe n'Umucamanza umwe rukumbi.
- B) Iyo urwandiko rwo gufata rwubahirijwe ariko uregwa ataroherezwa ishami rya IRMCT bireba, Porokireri cyangwa avoka w'uregwa, niba amufite, ashobora gushyikiriza Perezida icyifuzo gisaba ko ubuhamya bw'abatangabuhamya runaka bufatwa mu buryo budasanze kugira ngo buzakoreshwe nk'ikimenyetso mu rubanza ruzaba nyuma. Ubwo buhamya bufatwa mu muhango w'iburanisha uyobowe n'Umucamanza umwe rukumbi.
- C) Iyo Perezida amaze kubona icyifuzo cyatanze hashingiwe ku biteganywa mu gika A) cyangwa B), ashyikiriza ikibazo Umucamanza umwe rukumbi, kandi uregwa yaba adafite avoka umwunganira, agategeka Gerefiye kumugenera avoka w'agateganyo wujuje ibyangombwa biteganywa n'Ingingo ya 43 C) kugira ngo arengere inyungu z'uregwa.
- D) Umucamanza umwe rukumbi yumva mu muhezo Porokireri n'avoka washyiriweho kurengera inyungu z'uregwa. Iyo bibaye ngombwa, yakira amakuru agejejweho na Porokireri yerekeranye n'aho uregwa aherereye, kandi bitabaye ngombwa ko ayo makuru Porokireri ayamenyesha undi muburanyi.
- E) Umucamanza umwe rukumbi ashobora kwemera icyifuzo cyatanze hashingiwe ku gika A) iyo abona neza ko:
- i) hakoze ibishoboka ku buryo bushyize mu gaciro kugira ngo urwandiko rwo gufata rwubahirizwe ;
  - ii) bisa nk'aho bitazashoboka ko urwandiko rwo gufata rwubahirizwa mu gihe gishyize mu gaciro; kandi
  - iii) ibyo biri mu nyungu z'ubutabera.

- F) Umucamanza umwe rukumbi ashobora kwemera icyifuzo cyatanzwe hashingiwe ku biteganywa mu gika B) iyo abona neza ko hariho impamvu zidasanzwe kandi ko inyungu z'ubutabera zigomba kurengerwa.
- G) Iyo Umucamanza umwe rukumbi yemeye icyifuzo cyatanzwe hashingiwe ku bika A) na E) cyangwa B) na F):
- i) ategeka Gerefiye gutangaza icyemezo n'urwandiko rwo gufata uregwa, iyo icyo cyemezo cyafashwe hashingiwe ku bika A) na E);
  - ii) ategeka Gerefiye gushyiraho abakozi ba ngombwa bo gufasha avoka ushinzwe kurengera inyungu z'uregwa.
- H) Gerefiye amenyesha icyemezo kivugwa mu gika G) i) abategetsi b'igihugu cyangwa b'ibihugu aho bizwi cyangwa abantu bakeka ko uregwa n'umuryango we, cyangwa uregwa wenyine, cyangwa umuryango we ukwawo babamo cyangwa bigeze kubamo, kugira ngo ibyo bihugu bitangaze icyo cyemezo mu binyamakuru cyangwa kuri radiyo, kuri televiziyo, ku rubuga rwa interineti cyangwa ahandi hose hakwiye mu kumenyesha rubanda n'umuryango w'uregwa, iyo bishoboka, ko hakurikijwe icyemezo cya IRMCT hazafatwa, nyuma y'iminsi mirongo itatu ikurikira igihe itangazo ryashyiriwe ahagaragara, ubuhamya budasanzwe kugira ngo bubikwe nk'ikimenyetso mu rubanza ruzaba.
- I) Iyo Umucamanza umwe rukumbi yemeye icyifuzo cyatanzwe hashingiwe ku bika A) na E), avoka ushinzwe kurengera inyungu z'uregwa ashobora gushyikiriza Perezida w'Urukiko icyifuzo gisaba ko hafatwa ubuhamya budasanzwe bwa ngombwa kugira ngo bubikwe buzabere uregwa ikimenyetso kimushinjura mu rubanza ruzaba nyuma. Ibika C), D), E) na G) ii) birakurikizwa ku birebana n'iki kibazo, ariko hahindutse ibigomba guhinduka.
- J) Ingingo za 47, 55, 58, 71-76, 77 E), 80-82, 86-90, 94-95 106-108, 114, 117-119, hamwe n'Ingingo ya 111, haseguriwe ariko ibivugwa mu gika L), zirakurikizwa ariko hahindutse ibigomba guhinduka ku birebana no gufata ubuhamya budasanzwe, haseguriwe ibi bikurikira:

- i) Umucamanza umwe rukumbi afite ububasha bwose nk'ubw'Urugereko rwa Mbere rw'Iremezo, cyangwa nk'ubw'Umucamanza umwe rukumbi mu manza zirebana n'ibivugwa mu gika cya kane cy'Ingingo ya mbere ya Sitati ;
  - ii) avoka w'agateganyo afite uburenganzira n'inshingano bimwe nk'ibya avoka wunganira uregwa ;
  - iii) guhererekanya ibimenyetso biteganywa n'Ingingo ya 71 A i) na ii) bikorwa mu gihe cyagenwe n'Umucamanza umwe rukumbi ;
  - iv) ubuhamya budasanze bufatirwa mu muhezo;
  - v) uretse ubundi buryo ubuhamya bufatwamo, ubuhamya budasanze bufatirwa kandi no ku byuma bifata amajwi n'amashusho, keretse, kubera impamvu zidasanzwe, uwo muhango uramutse ubereye ahantu hataba ibyo byuma cyangwa bidashoboka ko bikoreshwa kubera izindi mpamvu. Ibintu byose byafatiweho ubuhamya budasanze bibikwa na Gerefiye, hashingiwe ku Ngingo ya 95.
- K) Iyo umwe mu baburanyi afite ubuhamya bwanditse yifuza gushyira muri dosiye hashingiwe ku Ngingo ya 110, Umucamanza umwe rukumbi abanza kureba, iyo bibaye ngombwa, niba umutangabuhamya agomba kwitaba kugira ngo abazwe ibibazo binyomoza cyangwa niba yasaba Gerefiye gukora ibiteganywa n'Ingingo ya 110 (B) (i) (b).
- L) Ibimenyetso gihamya byakoreshejwe mu ibazwa ry'abatangabuhamya n'ubuhamya bwanditse ibaza rinyomoza ryashingiyeho hashingiwe ku gika K) cyangwa ku Ngingo ya 111 bihabwa inomeru y'agateganyo kandi bishyirwa muri dosiye hashingiwe ku Ngingo ya 95.
- M) Iyo nyuma habaye urubanza rw'uregwa mu Rugereko rwa Mbere rw'Iremezo cyangwa imbere y'Umucamanza umwe rukumbi, Gerefiye ashidikiriza bidatinze ababuranyi kopi za dosiye y'ubuhamya budasanze hamwe n'ibimenyetso gihamya byashyizwe muri iyo dosiye. Bisabwe n'umwe mu baburanyi, Urugereko rwa Mbere rw'Iremezo cyangwa Umucamanza umwe rukumbi bashobora kwakira ubuhamya budasanze n'ibimenyetso gihamya biri muri dosiye iyo rusanga bifite aho bihuriye n'urubanza kandi agaciro byahabwa karenze uko byabangamira umuburanyi runaka.

N) Hatitawe ku bivugwa mu gika M), ubuhamya budasanzwe bushobora kwakirwa nk'ikimenyetso mu mwanya w'ubutanzwe n'umutangabuhamya imbona nkubone mu rukiko iyo gusa:

- i) umuburanyi wundi atarwanyije ko bwakirwa ; cyangwa
- ii) hagomba gukurikizwa Ingingo ya 110 A) ; cyangwa
- iii) Urugereko rwemera rwose ko umuntu watanze ubwo buhamya yapfuye, adashobora kongera kuboneka kabone n'iyo wakora ibishoboka mu buryo bushyize mu gaciro, adashobora gutanga ubuhamya mu magambo kubera ikibazo cy'amagara ye byaba ku mubiri cyangwa mu mutwe, cyangwa kubera impamvu zidasanzwe akaba adashaka kwitaba Urukiko kubera gushyirwaho ibikangisho cyangwa iterabwoba; kandi
- iv) bikoze mu kurengera inyungu z'ubutabera.

### **Ingingo ya 79**

#### **Ingoboka mbanzirizarubanza**

(Yahinduwe ku itariki ya 26 Nzeri 2016)

A) Ingoboka mbanzirizarubanza ari zo:

- i) ingoboka y'iburabubasha;
- ii) ingoboka inenga imiterere y'inyandiko y'ibirego;
- iii) ingoboka igamije gutandukanya ibirego byashyizwe hamwe hashingiwe ku Ngingo ya 49 A) y'aya Mategeko, cyangwa se gutandukanya imanza hashingiwe ku Ngingo ya 97 B); cyangwa
- iv) ingoboka ibyutsa ikibazo cyo kwangirwa kugenerwa avoka wasabwe hashingiwe ku Ngingo ya 43 C);

zigomba gutangwa mu nyandiko kandi mu gihe kitarenze iminsi mirongo itatu uherye ku muni Porokireri yagerejeho Ubwunganizi inyandiko zose n'ubuhamya bwanditse nk'uko biteganywa n'Ingingo ya 71 A) i). Urugereko rufata icyemezo kuri izo ngoboka mu gihe kitarenze iminsi mirongo itandatu uherye ku muni zatangiweho, ariko ibyo ari byo byose mbere yo gutangira iburanisha ritangwamo imyanzuro yo mu ikubitiro mu

magambo iteganywa n'Ingingo ya 100. Haseguriwe icyemezo cyose cyafatwa n'Urugereko rwa Mbere rw'Iremezo, iyo uregwa atahisemo avoka uhoraho wo kumwunganira cyangwa iyo atagenewe umwunganira ku buntu, cyangwa iyo atanditse amenyekanisha ko aziburanira hashingiwe ku Ngingo ya 43 F), igihe cy'iminsi mirongo itatu gitangira kubarwa uherye ku muni avoka uhoraho wunganira uregwa yashyiriweho, kabone n'ubwo Ubwunganizi bwaba bwaramenyeshewe inyandiko n'ibimenyetso hashingiwe ku Ngingo ya 71 A) i).

B) Ibyemezo bifashwe ku ngoboka mbanzirizarubanza ntibishobora kujuririrwa mu gihe urubanza rukiburanishwa, uretse:

- i) ibyerekeranye n'ingoboka z'iburabubasha;
- ii) iyo Urugereko rwa Mbere rw'Iremezo rwemeye ko ubujurire bukorwa, rumaze kubona ko icyemezo cyarwo kirebana n'ikibazo gishobora kubangamira bikomeye imikirize y'urubanza ku buryo bwihuse kandi bubonye, cyangwa se gishobora kugira ingaruka ku mikirize y'urubanza rwa burundu, kandi rubona ko Urugereko rw'Ubujurire ruramutse rukemuye izo mpaka ku buryo budasubirwaho byatuma, ku buryo bugaragara, imiburanishirize yihuta kurushaho.

C) Icyifuzo gisaba kwemererwa kujurira kivugwa mu gika B) ii) gitangwa mu gihe kitarenze iminsi irindwi uherye ku muni icyemezo kinengwa cyafatiweho. Iyo icyo cyemezo cyafashwe mu magambo gusa, igihe gitangira kubarwa uherye ku muni icyo cyemezo cyatangarijweho mu magambo, keretse iyo:

- i) umuburanyi utishimiye icyo cyemezo atari ahari cyangwa atari ahagarariwe igihe cyatangazwaga; iyo bimeze gutyo, igihe gitangira kubarwa uherye ku muni umuburanyi yamenyesherejweho icyo cyemezo ashaka kujuririra; cyangwa
- ii) Urugereko rwa Mbere rw'Iremezo rwasobanuye ko icyemezo cyanditse kizatangwa nyuma. Iyo bimeze gutyo, igihe gitangira kubarwa uherye ku muni icyemezo cyanditse gitangiweho.

D) Ku byerekeranye n'ibivugwa mu bika A) i) na B) i) by'iyi Ngingo, ingoboka y'iburabubasha yemewe ni ibyutsa gusa ibibazo binenga ko inyandiko y'ibirego ikubiyemo ibirego bitari mu bubasha bwa IRMCT bushingiye ku byaha byakozwe, ku

hantu byakorewe, ku gihe byakorewe no ku bantu babikoze, nk’uko buvugwa mu Ngingo ya mbere ya Sitati.

## **Ingingo ya 80**

### **Ibindi byifuzo by’ingoboka**

- A) Haseguriwe ibivugwa mu Ngingo ya 79, nyuma y’uko uregwa yitaba Urukiko bwa mbere, umuburanyi wese ashobora kugeza ku Rugereko rwa Mbere rw’Iremezo icyifuzo arusaba gufata icyemezo ku kibazo runaka cyangwa se arusaba indihano. Urugereko rwa Mbere rw’Iremezo, cyangwa umwe mu bacamanza rwatoranyije bashobora gufata icyemezo kuri ibyo byifuzo bashingiye gusa ku myanzuro yatanzwe n’ababuranyi, keretse haramutse hemejwe ko icyifuzo kizasuzumirwa mu iburanisha mu ruhame.
- B) Ibyemezo byafashwe kuri bene ibyo byifuzo ntibijuririrwa mu gihe urubanza rukiburanishwa, keretse iyo Urugereko rwa Mbere rw’Iremezo rwemeye ko hatangwa ubujurire, rumaze kubona neza ko icyemezo cyarwo kirebana n’ikibazo gishobora kugira ingaruka zikomeye ku miburanishirize y’urubanza mu buryo bwihuse kandi buboneye, cyangwa ku mikirize yarwo, kandi rubona ko Urugereko rw’Ubujurire ruramutse rukemuye izo mpaka burundu byatuma, ku buryo bugaragara, imiburanishirize irushaho kwihuta.
- C) Icyifuzo gisaba kwemererwa kujurira gitangwa mu gihe kitarenze iminsi irindwi uhereye ku muni icyemezo kinengwa cyatangiweho. Iyo icyo cyemezo cyafashwe mu magambo gusa, igihe gitangira kubarwa uhereye ku muni cyatangarijweho mu magambo, keretse:
- i) iyo umuburanyi utishimiye icyo cyemezo atari ahari cyangwa atari ahagarariwe igihe cyatangazwaga; iyo bimeze gutyo, igihe gitangira kubarwa uhereye ku muni umuburanyi yamenyesherejweho icyo cyemezo ashaka kujuririra; cyangwa
  - ii) iyo Urugereko rwa Mbere rw’Iremezo rwasobanuye ko icyemezo cyanditse kizatangwa nyuma; iyo bimeze gutyo, igihe gitangira kubarwa uhereye ku muni icyemezo cyanditse gitangiweho.
- D) Uretse ibihano biteganywa n’Ingingo ya 47, Urugereko rwa Mbere rw’Iremezo rushobora no gufatira ibihano avoka utanze icyifuzo, hakubiyemo n’icy’ingoboka mbanzizarubanza, mu gihe rubona ko kidafite shinge na rugero cyangwa kirenga nkana



ku mategeko agenga imiburanishirize. Muri ibyo bihano, harimo n'uko Urugereko rushobora gutegeka ko avoka atishyurwa amafaranga yose yakoreye, cyangwa igice cyayo, ategura icyo cyifuzo hamwe n'andi yaba afite aho ahuriye na cyo.

## **Ingingo ya 81**

### **Inama mbanzizarubanza**

- A) Mbere y'uko iburanisha ry'urubanza ritangira, Urugereko rwa Mbere rw'Iremezo rukoresha inama mbanzizarubanza.
- B) Iyo Urugereko rwa Mbere rw'Iremezo rumaze kubona dosiye ntegurarubanza rwagejweho n'Umucamanza hashingiwe ku Ngingo ya 70 J), rushobora gusaba Porokireri kugabanya igihe cy'ibaza ry'ibanze yateganyije ku batangabuhamya bamwe na bamwe.
- C) Iyo Urugereko rwa Mbere rw'Iremezo rumaze kubona dosiye ntegurarubanza rwagejweho n'Umucamanza hashingiwe ku Ngingo ya 70 J), kandi rumaze kumva icyo Porokireri abivugaho, rugena
- i) umubare w'abatangabuhamya Porokireri ashobora guhamagaza, hamwe
  - ii) n'igihe itangwa ry'ibimenyetso bishinja rigomba kumara.
- D) Mu rwego rwo kugira ngo imiburanishirize ikorwe mu buryo buboneye kandi bwihuse, Urugereko rwa Mbere rw'Iremezo, rumaze kumva Porokireri, rushobora kumusaba kugabanya umubare w'ibirego kandi rushobora no kuvuga ku buryo budakuka ahantu ibyaha byakorewe cyangwa ibyaha byakozwe bikubiye mu kirego kimwe cyangwa mu birego byinshi ashobora gutangira ibimenyetso, kandi bitewe n'ibintu uko byifashe, hakubiyemo ibyaha bivugwa mu nyandiko y'ibirego, inyito n'imiterere yabyo, aho byaba byarakorewe, ingano yabyo n'abantu byakorewe, ku buryo ushyize mu gaciro wasanga bitanga ishusho rusange y'ibyaha biregerwa.
- E) Iyo Urugereko rwa Mbere rw'Iremezo rumaze kugezwaho n'Umucamanza ushinzwe gutegura urubanza dosiye yuzuye yatanzwe na Porokireri hashingiwe ku Ngingo ya 70 J), rumaze kumva ababuranyi kandi hagamijwe imiburanishirize iboneye kandi yihuse, rushobora gutegeka Porokireri guhitamo ibirego bimwe azatangaho imyanzuro

nsozarubanza. Ababuranyi bafite uburenganzira, ku bw'itegeko, bwo kujuririra icyemezo cyose gifashwe hashingiwe kuri iki gika.

- F) Nyuma y'uko iburanisha ritangira, Porokireri ashobora gutanga icyifuzo gisaba Urugereko rwa Mbere rw'Iremezo guhindura icyemezo cyarwo kigena umubare w'ahantu hakorewe ibyaha cyangwa uw'ibyaha biregerwa yemerewe gutangaho ibimenyetso cyangwa umubare w'abatangabuhamya yifuza guhamagaza, cyangwa se gusaba igihe cy'inyongera cyo gutangaho ibimenyetso bye, kandi Urugereko rushobora kwemera icyifuzo cya Porokireri iyo rubona neza ko gihuje n'inyungu z'ubutabera.

## **Ingingo ya 82**

### **Inama ibanziriza itangwa ry'ibimenyetso bishinjura**

- A) Urugereko rwa Mbere rw'Iremezo rushobora gukoresha inama ihuza ababuranyi mbere y'uko Ubwunganizi butanga ibimenyetso byabwo.
- B) Iyo Urugereko rwa Mbere rw'Iremezo rumaze kugezwaho amakuru avugwa mu Ngingo ya 70 M), rushobora gusaba Ubwunganizi kugabanya igihe cy'ibaza ry'ibanze bwateganyije ku batangabuhamya bamwe na bamwe.
- C) Iyo Urugereko rwa Mbere rw'Iremezo rumaze kugezwaho amakuru avugwa mu Ngingo ya 70 M), kandi rumaze kumva icyo Ubwunganizi bubivugaho, rugena umubare w'abatangabuhamya Ubwunganizi bushobora guhamagaza.
- D) Nyuma y'aho ibimenyetso bishinjura bitangiriye gutangwa, Ubwunganizi bushobora, kubera inyungu z'ubutabera, gutanga icyifuzo cy'ingoboka gisaba uruhushya rwo kugaruka kuri risite y'ikubitiro y'abatangabuhamya bwateganyaga guhamagaza cyangwa urwo guhindura risite y'abatangabuhamya babwo.
- E) Urugereko rwa Mbere rw'Iremezo rugena igihe itangwa ry'ibimenyetso bishinjura rimara, rumaze kumva igitekerezo cy'Ubwunganizi kuri icyo kibazo.
- F) Mu gihe cy'iburanisha, Urugereko rwa Mbere rw'Iremezo rushobora, ku nyungu z'ubutabera, kwemera icyifuzo cy'Ubwunganizi gisaba kongererwa igihe cyo gutanga ibimenyetso byabwo.

**Ingingo ya 83**

**Incuti y'Urukiko (Amicus Curiae)**

Iyo Urugereko rubona ko bishobora kurufasha guca urubanza mu buryo bukwiye, rushobora gutumira cyangwa kwemerera igihugu icyo ari cyo yose, umuryango uwo ari wo wose cyangwa umuntu wese kurwitaba, kugira ngo asobanure ikibazo icyo ari cyo cyose rubona ko ari ngombwa.

**Ingingo ya 84**

**Isuzumabuzima ry'uregwa**

- A) Urugereko rwa Mbere rw'Iremezo rushobora, rubyibwirije cyangwa rubisabwe n'umwe mu baburanyi, gutegeka ko uregwa asuzumwa n'umuganga, harimo n'impuguke mu ndwara zo mu mutwe cyangwa mu bumenyamyifatire y'abantu. Icyo gihe, Gerefiye ashinga uwo murimo impuguke imwe cyangwa nyinshi ziri kuri risite yateganyijwe n'Ibiro bye, keretse Urugereko ruramutse rubitegetse ukundi.
- B) Iyo bibaye ngombwa, uregwa cyangwa undi muntu wese uri mu maboko ya IRMCT ashobora gusaba gukorerwa irindi suzumabuzima cyangwa gukorerwa isuzumabuzima ry'inyongera mu kigo cy'ubuvuzi cyemewe, atekereza ko gishobora gutanga raporo ku birebana n'amagara ye itabogamye kandi ikozwe n'ababifitiye ubushobozi. IRMCT isuzuma uko bikwiye icyo cyifuzo hamwe na raporo ikorwa nyuma y'uko gitangwa.

**Ingingo ya 85**

**Urupfu rw'uregwa cyangwa rw'umufungwa**

Iyo uregwa cyangwa umufungwa uri mu maboko ya IRMCT apfuye kandi hakaba harakozwe iperereza, kopi ya dosiye yuzuye y'iperereza ryakozwe na IRMCT n'imyanzuro irebana na yo yoherezwa Perezida w'Inama Ishinzwe Amahoro ku Isi mu minsi cumi n'ine ikurikira igihe iyo dosiye yakorewe, haseguriwe ariko imbibi ntarengwa zubahirizwa ku byerekeranye n'inyandiko z'ibanga.

## **Ingingo ya 86**

### **Ingamba zo kurinda umutekano w'abakorewe ibyaha n'uw'abatangabuhamya**

(Yahinduwe ku itariki ya 9 Mata 2018)

- A) Urugereko rushobora, rubyibwirije cyangwa rubisabwe n'umwe mu baburanyi, uwakorewe icyaha, umutangabuhamya bireba cyangwa Agashami gashinzwe gufasha abatangabuhamya no kubarindira umutekano, gushyiraho ingamba zikwiye zo kurinda imibereho bwite n'umutekano by'abatangabuhamya n'abakorewe ibyaha, izo ngamba zipfa gusa kutabangamira uburenganzira bw'uregwa.
- B) Urugereko rushobora guterana mu muhezo kugira ngo rusuzume niba ari ngombwa gutegeka ko:
- i) hafatwa ingamba zibuza gutangariza rubanda cyangwa abanyamakuru umwirondoro w'umuntu wakorewe icyaha, uw'umutangabuhamya, uw'umuntu bafitanye isano cyangwa basangiye inyungu, cyangwa aho babarizwa, hakoreshejwe nk'uburyo bukurikira:
    - a) guhanagura amazina y'uwo muntu n'ibindi byatuma amenyakana mu madosiye ya IRMCT rubanda rushobora kubona;
    - b) kutemerera rubanda kubona ikintu icyo ari cyo cyose kiri muri dosiye cyagaragaza umwirondoro w'uwakorewe icyaha cyangwa w'umutangabuhamya;
    - c) gukoresha uburyo bwa tekini butuma ishusho cyangwa ijwi by'umutangabuhamya bitamenyekana igihe atanga ubuhamya, cyangwa gukoresha televiziyo ibonwa gusa n'Urugereko, ababuranyi n'umutangabuhamya bireba ; hamwe no
    - d) kwita umutangabuhamya izina ry'iritizanyo.
  - ii) Kuburanisha mu muhezo, hashingiwe ku Ngingo ya 93;
  - iii) Gufata ibyemezo bikwiye kugira ngo borohereze uwakorewe icyaha cyangwa umutangabuhamya ushobora kugira ingorane bitewe n'ubuhamya yatanze, hakoreshejwe nk'uburyo bwa televiziyo yohereza amashusho mu cyerekezo kimwe kandi ikabonwa gusa n'Urugereko n'ababuranyi.

- C) Agashami gashinzwe gufasha abatangabuhamya no kubarindira umutekano kagenzura niba, mbere y'uko umutangabuhamya yitaba Urugereko, aba yaramenyeshwe bihagije ko ubuhamya bwe n'umwirondoro we bishobora kumenyekanishwa nyuma mu rundi rubanza, hashingiwe ku biteganywa mu gika F) cy'iyi Ngingo.
- D) Urukiko rugenzura uburyo ibazwa rikorwa kugira ngo ubazwa adashyirwa ku nkeke cyangwa adaterwa ubwoba ku buryo ubwo ari bwo bwose.
- E) Iyo Urugereko rufashe icyemezo hashingiwe ku biteganywa mu gika A) cy'iyi Ngingo, rusobanura neza, mu gihe ari ngombwa, niba inyandikomvugo y'ibyavuzwe n'umutangabuhamya urindiwe umutekano ishobora gushyirwa ahagaragara igakoreshwa mu zindi manza IRMCT cyangwa urundi rukiko byaregewe.
- F) Iyo ingamba zo kurinda umutekano w'uwakorewe icyaha cyangwa uw'umutangabuhamya zafashwe mu rubanza rwaregewe TPIY, TPIR cyangwa IRMCT (« urubanza rwa mbere »), izo ngamba:
- i) zikomeza kubahirizwa, ariko hahindutse ibigomba guhinduka, mu zindi manza izo ari zo zose zaregewe IRMCT («urubanza rwa kabiri»), kugeza igihe zivaniweho, zihinduriwe cyangwa zongerewe, mu buryo buteganywa n'iyi Ngingo; ariko
  - ii) ntizibuza Porokireri kubahiriza inshingano zerekeye imenyekanisha ryose riteganywa n'aya Mategeko mu rubanza rwa kabiri, uretse ko agomba no kumenyesha Ubwunganizi ingamba zo kurinda umutekano w'uwakorewe icyaha cyangwa uw'umutangabuhamya zafashwe mu rubanza rwa mbere.

Umucamanza cyangwa inteko y'abacamanza bo mu rundi rukiko rwaregewe cyangwa umuburanyi muri urwo rubanza, wabyemerewe n'urwego rw'ubutabera rubifitiye ububasha, bashobora kubaza ubwoko bw'ingamba TPIY, TPIR cyangwa IRMCT yashyiriyeho umuntu wakorewe ibyaha cyangwa umutangabuhamya cyangwa bakabaza niba izo ngamba zihari koko. Mu kubibaza, bageza icyifuzo cyabo kuri Perezida wa IRMCT na we akagishyikiriza Umucamanza umwe rukumbi cyangwa Urugereko rugifite urwo rubanza. Mbere yo gufata icyemezo kuri icyo cyifuzo, uwo Mucamanza cyangwa urwo Rugereko babaza Agashami gashinzwe gufasha abatangabuhamya no kubarindira umutekano niba umutangabuhamya yaramenyeshwe iby'icyo cyifuzo ndetse agahabwa umwanya wo kugira icyo akivugaho.

- G) Umuburanyi uwo ari we wese mu rubanza rwa kabiri, wifuza ko ingamba zo kurinda umutekano w'uwakorewe icyaha cyangwa uw'umutangabuhamya zafashwe mu rubanza rwa mbere zivanwaho, zihindurwa cyangwa zongerwa, agomba gushyikiriza icyifuzo cye:
- i) Urugereko urwo ari rwo rwose rukiburanisha rwa rubanza rwa mbere, hatitaweho Abacamanza barugize; cyangwa
  - ii) Urugereko rwaregewe urubanza rwa kabiri, iyo rwa rubanza rwa mbere nta Rugereko na rumwe rukirimo.
- H) Umucamanza cyangwa inteko y'abacamanza bo mu rundi rukiko rwaregewe, umuburanyi wese muri urwo rubanza wabyemerewe n'urwego rw'ubutabera rubifitiye ububasha, cyangwa uwakorewe icyaha cyangwa umutangabuhamya urindiwe umutekano hakurikijwe ingamba zashyizweho na TPIY, TPIR cyangwa IRMCT, bashobora kugeza icyifuzo cyabo kuri Perezida wa IRMCT na we akagishyikiriza Umucamanza umwe rukumbi cyangwa Urugereko bagifite urwo rubanza, asaba ko havanwaho, hahindurwa cyangwa hakongerwa ingamba zo kurinda umutekano zemejwe mu rubanza rwaregewe TPIY, TPIR cyangwa IRMCT.
- I) Mbere yo gufata icyemezo ku cyifuzo cyatanzwe hashingiwe ku bika G) na H) bimaze kuvugwa, Urugereko rubaza, binyuze mu Gashami gashinzwe gufasha abatangabuhamya no kubarindira umutekano, niba umuntu wakorewe icyaha cyangwa umutangabuhamya urindiwe umutekano afite icyo avuga ku byerekeranye n'imibereho bwite n'umutekano bye. Mu byo rubaza harimo kumenya niba uwo muntu wakorewe icyaha cyangwa uwo mutangabuhamya yemera ko izo ngamba zivanwaho, zihindurwa cyangwa zongerwa. Urugereko rushobora kandi kuvanaho izo ngamba, kuzihindura cyangwa kuzongera bitiriwe byemerwa n'umutangabuhamya, iyo bigaragara ko ari ngombwa hakurikijwe uko ibintu byifashe, cyangwa ari ukugira ngo hirindwe imikirize mibi y'urubanza.
- J) Uwakorewe icyaha cyangwa umutangabuhamya ashobora kwivutsa ingamba zose zimurindira umutekano cyangwa zimwe muri zo zafashwe hashingiwe kuri iyi Ngingo, ariko Urugereko rwa Mbere rw'Iremezo cyangwa Agashami gashinzwe gufasha abatangabuhamya no kubarindira umutekano bibanza kumumenyesha ingaruka z'icyemezo cye. Icyemezo cyo kwivutsa izo ngamba gishyikirizwa Urugereko rwa Mbere rw'Iremezo cyangwa gikorwa mu nyandiko isinyweho n'uwakorewe icyaha cyangwa

n'umutangabuhamyha hamwe n'umukozi wo mu Gashami gashinzwe gufasha abatangabuhamyha no kubarindira umutekano.

- K) icyifuzo gisaba kuvanaho, guhindura cyangwa kongera ingamba zo kurinda umutekano w'uwakorewe icyaha cyangwa uw'umutangabuhamyha kigomba gusuzumwa n'Urugereko cyashyikirijwe, cyangwa n'umwe mu Bacamanza barugize. Bityo rero, muri iyi Ngingo, ijamba «Urugereko» rikoresha n'iyi bashaka kuvuga «Umucamanza wo muri urwo Rugereko».

## **Ingingo ya 87**

### **Kwiyambaza IRMCT kugira ngo haboneke ubuhamyha**

- A) Umucamanza cyangwa inteko y'Abacamanza bashinzwe kuburanisha urubanza rwaregewe urundi rukiko cyangwa umuburanyi muri urwo rubanza wabyemerewe n'ubucamanza bubifitiye ububasha («uwatanze icyifuzo») bashobora kwiyambaza IRMCT ngo babone ubuhamyha bw'umuntu uri mu maboko yayo, kugira ngo bushobore kwifashishwa mu rwego rw'iperereza cyangwa rw'ikurikiranacyaha ku bikorwa byakorewe mu ifasi y'uwatanze icyifuzo binyuranyije bikomeye n'amategeko mpuzamahanga arengera abantu mu gihe cy'intambara byakorewe ku butaka bw'Icyahoze ari Yugosilaviya kuva mu wa 1991 cyangwa ku butaka bw'u Rwanda mu wa 1994 cyangwa ibyakozwe n'Abanyarwanda ku butaka bw'ibihugu bituranye n'u Rwanda mu wa 1994.
- B) icyifuzo gitangwa hashingiwe ku gika A) gishyikirizwa Perezida wa IRMCT, na we akagishyikiriza Umucamanza umwe rukumbi.
- C) icyifuzo gitangwa hashingiwe ku gika A) nticyemerwa iyo gishobora kubangamira imigendekere myiza y'iperereza cyangwa iy'imiburanishirize muri IRMCT.
- D) Umucamanza umwe rukumbi, amaze kumva ababuranyi mu rubanza rwaregewe IRMCT, ashobora kwemera icyifuzo cyatanze hashingiwe ku gika A), amaze kubona neza ko:
- i) kwemera icyo cyifuzo nta cyo bibangamiraho uburenganzira bw'umuntu uri mu maboko ya IRMCT;

- ii) hafashwe ibyemezo bya ngombwa byizeza ko hazubahirizwa ingamba zo kurinda umutekano w'umuntu uri mu maboko ya IRMCT zashyizweho na TPIY, TPIR cyangwa IRMCT;
  - iii) kwemera icyo cyifuzo bitazashyira mu kaga uwakorewe icyaha, umutangabuhamya cyangwa undi muntu uwo ari we wese ; kandi
  - iv) nta mpamvu ikomeye iriho yatuma icyo cyifuzo kitemerwa.
- E) IRMCT itera inkunga yo gufasha mu gikorwa cyo gufata ubuhamya hifashishijwe ikoranabuhanga ry'amajwi n'amashusho rituma abantu bavugana barebana kandi batari hamwe (*video-conference*). Iyo amategeko yo mu gihugu uwatanze icyifuzo abamo atemera ubwo buryo bwo gufata ubuhamya, Umucamanza umwe rukumbi ashobora gutera inkunga yemerera uwatanze icyifuzo kubonanira n'umuntu ugomba gutanga ubuhamya mu mazu ya IRMCT cyangwa yemera ko yimurwa hashingiwe ku Ngingo ya 88.
- F) Hakurikjwe amabwiriza y'Umucamanza umwe rukumbi, Gerefiye ahuza ibikorwa bya ngombwa bigamije gufata ubuhamya hifashishijwe ikoranabuhanga ry'amajwi n'amashusho rituma abantu bavugana barebana kandi batari hamwe (*video-conference*), kandi na we akurikirana iryo bazwa.
- G) Umucamanza umwe rukumbi akurikirana ibazwa kandi agenzura ko ibiteganywa n'igika D) i)-iii) byubahirizwa.
- H) Ibazwa rikorwa ku buryo butaziguye n'uwatanze icyifuzo, cyangwa se ari we ubigenzura, hakurikjwe amategeko yubahirizwa mu gihugu cye.
- I) Muri iyi Ngingo, amagambo « umuntu uri mu maboko ya IRMCT» ashaka kuvuga umuntu wese uregwa cyangwa wahamwe n'icyaha, kandi ufungirwe muri gereza cyangwa mu kindi kigo cy'ishami rya IRMCT bireba.
- J) Ibyemezo bifatwa hashingiwe kuri iyi Ngingo cyangwa ku Ngingo ya 88 ntibishobora kujuririrwa.
- K) Perezida cyangwa Umucamanza umwe rukumbi bashobora buri gihe cyose gusaba uwatanze icyifuzo kubagezaho inyandiko cyangwa amakuru y'inyongera.



## **Ingingo ya 88**

### **Kwimura abantu bajya gutanga ubuhamya mu rubanza rubera mu rundi rukiko rutari IRMCT**

- A) Umucamanza umwe rukumbi atanga uruhushya rwo kwimura umuntu hashingiwe ku Ngingo ya 87 E) iyo gusa:
- i) umuntu uri mu maboko ya IRMCT yohererejwe mu buryo buboneye impapuro zimuhamagarira gutanga ubuhamya ;
  - ii) umuntu uri mu maboko ya IRMCT yemeye kwimurwa;
  - iii) igihugu IRMCT ikoreramo n'icyo umuntu uri mu maboko yayo agomba kwimurirwamo (« Igihugu cyasabye umuntu ») byahawe urubuga rwo gutanga ibitekerezo byabyo;
  - iv) Igihugu cyasabye umuntu cyemereye IRMCT mu nyandiko ko umuntu cyohererejwe kizamugarura mu gihe cyateganyijwe, ko kitazamwohereza mu rundi rukiko, ko kizamufunga mu buryo bukwiye, ko kitazamukurikirana ku byo yakoze cyangwa ibyo yateshutse gukora mbere y'uko yimurirwayo kandi ko kitazamumenyesha inyandiko izo ari zo zose zimuhamagarira ibirebana n'ibyo cyangwa zimumenyesha ko yahamijwe icyaha kuri ibyo bikorwa;
  - v) kwimura uwo muntu bitazatuma igihe cy'igifungo yagenewe na TPIY, TPIR cyangwa IRMCT cyiyongera; kandi
  - vi) nta mpamvu ikomeye iriho yatuma uwo muntu atoherezwa mu gihugu cyamusabye.
- B) Umucamanza umwe rukumbi ashobora kugena ibyo abona bikwiye kubahirizwa mbere y'uko yemera ko umuntu uri mu maboko ya IRMCT yimurwa, nko gutanga ingwate no gufata ingamba za ngombwa zituma uwo muntu azitaba urubanza nyuma kandi ntihagire undi muntu uhungabanyirizwa umutekano.
- C) Muri iyi Ngingo, amagambo « umuntu uri mu maboko ya IRMCT » ashaka kuvuga umuntu wese uregwa cyangwa wahamwe n'icyaha, kandi ufungwiye muri gereza cyangwa mu kindi kigo cy'ishami rya IRMCT bireba.
- D) Iyo bibaye ngombwa, Umucamanza umwe rukumbi ashobora gutanga urwandiko rwo gufata kugira ngo harusheho kwizerwa ko umuntu wimuwe hashingiwe kuri iyi Ngingo

azitaba. Hakurikizwa ibiteganywa n'Umutwe wa IV, ariko hahindutse ibigomba guhinduka.

- E) Igihe icyo ari cyo cyose nyuma y'icyemezo cyafashwe hashingiwe kuri iyi Ngingo, Umucamanza umwe rukumbi ashobora kuvanaho icyo cyemezo maze agasaba ko uwo muntu wimuwe agarurwa.

### **Ingingo ya 89**

#### **Indahiro ku mugaragaro y'abasemuzi n'abahindura inyandiko mu zindi ndimi**

Mbere yo gutangira umurimo we, buri muntu usemura cyangwa uhindura inyandiko mu zindi ndimi arahirira ku mugaragaro kuba indahemuka, kutabogama, gukora mu bwigenge no kugira ibanga ry'akazi.

### **Ingingo ya 90**

#### **Gusuzugura Urukiko**

- A) IRMCT, ishingiyeye ku bubasha bwayo, ku byerekeranye na TPIY, TPIR cyangwa IRMCT, ishobora guhamya icyaha cyo gusuzugura Urukiko abantu bivanga mu mirimo y'ubutabera babizi kandi babishaka, cyane cyane nk'umuntu:
- i) unangira akanga gusubiza ikibazo abajijwe n'Urugereko cyangwa n'Umucamanza umwe rukumbi kandi yitabye nk'umutangabuhamya;
  - ii) utangaza amakuru ajyanye n'iyi miburanishirize, yica nkana icyemezo cyafashwe n'Urugereko cyangwa n'Umucamanza umwe rukumbi;
  - iii) uwanga kubahiriza, kandi nta mpamvu igaragara, itegeko ry'Urugereko cyangwa iry'Umucamanza umwe rukumbi, harimo n'irimutegeka kwitaba Urugereko cyangwa Umucamanza umwe rukumbi cyangwa iryo kubashyikiriza inyandiko runaka;
  - iv) ushyira ibikangisho, iterabwoba ku mutangabuhamya cyangwa umuntu ushobora kuba we, umukomeretsa mu buryo ubwo ari bwo bwose cyangwa umuha ruswa, uwivanga mu buhamya bwe, ku bundi buryo bwose, igihe arimo gutanga ubuhamya, yarabutanze cyangwa ari hafi yo kubutanga mu Rugereko cyangwa imbere y'Umucamanza umwe rukumbi; cyangwa

- v) ushyira ibikangisho, iterabwoba ku wundi muntu wese, umuha ruswa cyangwa ugerageza kumuhata mu bundi buryo bwose, agamije kumubuza kuzuza inshingano ikubiye mu itegeko ry'Urugereko cyangwa iry'Umucamanza umwe rukumbi.
- B) Guhamagarira umuntu gukora igikorwa, icyo ari cyose, mu bivugwa mu gika A), cyangwa kugerageza kugikora bihanwa nk'icyaha cyo gusuzugura TPIY, TPIR cyangwa IRMCT kandi byose bihanwa kimwe.
- C) Iyo Urugereko cyangwa Umucamanza umwe rukumbi babona hari impamvu zituma batekereza ko umuntu runaka yasuzuguye TPIY, TPIR cyangwa IRMCT, bashyikiriza icyo kibazo Perezida maze na we agashyiraho Umucamanza umwe rukumbi ushobora:
- i) gusaba Porokireri gukora iperereza kuri icyo kibazo kugira ngo ategure kandi amushyikirize inyandiko y'ibirego ku birebana no gusuzugura Urukiko;
  - ii) aramutse asanze Porokireri afite inyungu zidashobora kubangikanywa n'icyo kibazo, gutegeka Gerefiye gushyiraho incuti y'Urukiko kugira ngo ikore iperereza kandi imenyeshye Umucamanza umwe rukumbi niba hari ibimenyetso bihagije byatuma habaho ikurikiranacyaha ku gusuzugura Urukiko; cyangwa
  - iii) kwikurikiranira icyo cyaha ubwe.
- D) Haseguriwe ibiteganywa n'Ingingo ya 6 ya Sitati, iyo Umucamanza umwe rukumbi asanga hari impamvu zihagije zatumye umuntu akurikiranwaho icyaha cyo gusuzugura Urukiko, ashobora:
- i) iyo ibintu bimeze nk'ibiteganywa n'igika C) i), gusaba Porokireri gutanga ikirego; cyangwa
  - ii) iyo ibintu bimeze nk'ibiteganywa n'igika C) ii) cyangwa iii), gufata itegeko mu kigwi cy'inyandiko y'ibirego maze agasaba incuti y'Urukiko gutanga ikirego, cyangwa akurikiranira icyo cyaha we ubwe.
- E) Aya Mategeko akurikizwa mu mihango iteganywa n'iyi Ngingo, hahindutse ibigomba guhinduka. Kwemera cyangwa guhakana icyaha hashingiwe ku Ngingo ya 64 A), kumenyekanisha inyandiko hashingiwe ku Ngingo ya 71 A) i) cyangwa gutanga ibyifuzo byo mu ikubitiro hashingiwe ku Ngingo ya 79 A) bigomba, kuri buri cyose muri ibyo, gukorwa mu gihe kitarenze iminsi icumi.

- F) Umuntu wese warezwe icyaha cyo gusuzugura Urukiko ahabwa avoka hashingiwe ku Ngingo ya 43, iyo yujuje ibisabwa, bishyirwaho na Gerefiye, kugira ngo afatwe nk'umuntu udashoboye kwirihira avoka.
- G) Igihano ntarengwa uhamwe n'icyaha cyo gusuzugura Urukiko ashobora gukatirwa ni igifungo cy'imyaka irindwi n'ihazabu itarenze amayero 50.000 cyangwa ihazabu, mu yandi mafaranga, ihwanye n'ayo mayero cyangwa kimwe gusa muri ibyo bihano.
- H) Ihazabu ishyikirizwa Gerefiye maze na we akayishyira kuri konte yihariye.
- I) Iyo avoka ahamijwe icyaha cyo gusuzugura TPIY, TPIR cyangwa IRMCT, hashingiwe kuri iyi Ngingo, Umucamanza umwe rukumbi ufashe uwo mwanzuro ashobora no kwemeza ko uwo mwavoka atakemerewe kunganira umuntu uregwa muri TPIY, TPIR cyangwa IRMCT cyangwa ko iyo imyitwarire ye ari mibi hashingiwe ku biteganywa n'Ingingo ya 47, cyangwa agafata ibyo byemezo byombi.
- J) icyemezo cyose ku cyaha cyo gusuzugura Urukiko gifashwe n'Umucamanza umwe rukumbi, hashingiwe kuri iyi Ngingo, gishobora kujuririrwa. Inyandiko y'ubujurire itangwa mu gihe kitarenze iminsi cumi n'itanu uhereye ku munsu w'itangwa ry'icyo cyemezo kijuririrwa. Iyo icyemezo cyatanzwe mu magambo, ubujurire butangwa mu minsi cumi n'itanu uhereye ku munsu cyatangarijweho, keretse iyo:
- i) umuburanyi ujuririra icyemezo atari ahari cyangwa atari ahagarariwe ubwo cyatangazwaga; iyo bimeze gutyo, igihe gitangira kubarwa uhereye ku munsu uwo muburanyi amenyesherejweho icyemezo cyafashwe mu magambo; cyangwa;
  - ii) Umucamanza umwe rukumbi yamenyesheje ko icyemezo cyanditse kizatangwa nyuma; iyo bimeze gutyo, igihe gitangira kubarwa uhereye ku munsu w'itangwa ry'icyemezo cyanditse.

Ujurira atanga imyanzuro y'ubujurire mu gihe kitarenze iminsi cumi n'itanu uhereye ku munsu atangiyeho inyandiko y'ubujurire. Uwiregura mu bujurire atanga igisubizo kuri iyo myanzuro mu gihe kitarenze iminsi icumi uhereye ku munsu imyanzuro y'ubujurire itangiweho kandi ujurira ashobora kugira icyo avuga kuri icyo gisubizo mu gihe kitarenze iminsi ine uhereye ku munsu uwiregura mu bujurire agitangiyeho.

## **Ingingo ya 91**

### **Kwishyura amahazabu**

- A) Umucamanza umwe rukumbi ugena igihano cy'ihazabu hashingiwe ku Ngingo ya 90 cyangwa iya 108 yerekana n'igihe ayo mahazabu agomba kwishyurirwa.
- B) Iyo ihazabu yagenwe hashingiwe ku Ngingo ya 90 cyangwa iya 108 itishyuwe mu gihe cyateganyijwe, Umucamanza umwe rukumbi ashobora gufata icyemezo gisaba umuntu wakatiwe icyo gihano cy'ihazabu gusobanurira IRMCT, haba mu magambo cyangwa se mu nyandiko, impamvu atishyuye.
- C) Umucamanza umwe rukumbi ashobora, amaze guha uwo muntu urubuga rwo kwisobanura, gufata icyemezo cyerekana ingamba zikwiye zo gukemura ikibazo, zikubiyemo nk'izi zikurikira:
- i) kongera igihe cyo kwishyura;
  - ii) gusaba ko ihazabu igenda yishyurwa mu byiciro binyuranye;
  - iii) amaze kubivuganaho na Gerefiye, gutegeka ko amafaranga uwo muntu agomba kwishyura avanwa mu yo ashobora kuba aberewemo na IRMCT, mu gihe ari avoka washyizweho na IRMCT hakurikijwe Amabwiriza yerekeye ishyirwaho ry'abavoka bunganira abaregwa;
  - iv) kuvunjamo iyo hazabu, yose cyangwa igice cyayo, igihano cy'igifungo kitarenze amezi arindwi.
- D) Uretse icyemezo Umucamanza umwe rukumbi afata hashingiwe ku gika C), ashobora no guhamya umuntu icyaha cyo gusuzugura IRMCT no kumukatira ikindi gihano hashingiwe ku Ngingo ya 90 G), iyo uwo muntu yari afite ubushobozi bwo kwishyura ihazabu mu gihe cyagenwe ariko akabyirengagiza nkana. Icyo gihano ku cyaha cyo gusuzugura IRMCT cyiyongera ku ihazabu yagenwe mbere.
- E) Umucamanza umwe rukumbi ashobora, iyo bibaye ngombwa, gutanga urwandiko rwo gufata kugira ngo hizerwe ko umuntu azaboneka iyo atitabye IRMCT cyangwa iyo atatanze ibisobanuro byanditse bivugwa mu gika B). Igihugu cyangwa umutegetsi bashyikirijwe urupapuro rwo gufata hashingiwe ku Ngingo ya 28 ya Sitati bakora ibishoboka vuba na bwangu kugira ngo rwubahirizwe nyabyo kandi mu buryo bukwiye.

Iyo urupapuro rwo gufata rwatanzwe hashingiwe kuri iki gika, ku Ngingo ya 43, iya 57, iya 59, iya 60, iya 61 n'iya 62 birakurikizwa ariko hahindutse ibigomba guhinduka. Iyo umuntu urebwa n'ikibazo yohererejwe IRMCT, ibiteganywa mu Ngingo ya 67, iya 68 n'iya 123 birakurikizwa ariko hahindutse ibigomba guhinduka.

- F) Iyo hagenwe igihano cy'igifungo hashingiwe kuri iyi Ngingo, cyangwa iyo ihazabu yavunjwemo igihano cy'igifungo, ibivugwa mu Ngingo ya 126, iya 127 n'iya 128 ndetse no mu Mutwe wa IX birakurikizwa ariko hahindutse ibigomba guhinduka.
- G) icyemezo gihamya umuntu icyaha cyo gusuzugura Urukiko cyangwa igihano cyose kigenwe hashingiwe kuri iyi Ngingo gishobora kujuririrwa hashingiwe ku Ngingo ya 90 J).

### **Ingingo ya 92**

#### **Iburanisha mu ruhame**

Uretse impaka z'Abacamanza mbere yo guca urubanza, Urugereko rwa Mbere rw'Iremezo ruburanishiriza mu ruhame, keretse iyo biteganyijwe ukundi.

### **Ingingo ya 93**

#### **Iburanisha mu muhezo**

- A) Umucamanza cyangwa Urugereko rwa Mbere rw'Iremezo bashobora kubuza abanyamakuru na rubanda gukurikirana imiburanishirize yose cyangwa igice cyayo kubera impamvu zikurikira:
- i) kurengera ituze rusange rya rubanda cyangwa imico y'imbonezabupfura;
  - ii) kurengera umutekano w'uwakorewe icyaha cyangwa uw'umutangabuhamya, cyangwa guhishira umwirondoro wabo, nk'uko biteganywa n'Ingingo ya 86; cyangwa ;
  - iii) kurengera inyungu z'ubutabera.
- B) Umucamanza cyangwa Urugereko rwa Mbere rw'Iremezo batangaza impamvu bashingiyeho bafata icyo cyemezo.

## **Ingingo ya 94**

### **Umudendezo mu iburanisha**

- A) Umucamanza cyangwa Urugereko rwa Mbere rw'Iremezo bashobora kwirukana umuntu uwo ari we wese aho iburanisha ribera kugira ngo uburenganzira bw'uregwa bwo kuburanishwa mu buryo buboneye kandi mu ruhamwe bwubahirizwe, cyangwa rukabikora hagamiywe ko iburanisha rikorwa mu mudendezo.
- B) Umucamanza cyangwa Urugereko rwa Mbere rw'Iremezo bashobora gutegeka ko uregwa yirukanwa aho iburanisha ribera maze rigakomeza adahari, iyo bamwihanije bamubwira ko imyifatire ye ibangamiye iburanisha ishobora gutuma yirukanwa ariko akanangira ntiyisubireho.

## **Ingingo ya 95**

### **Kwandika cyangwa gufata mu bundi buryo ibivugwa mu iburanisha no gushyingura ibimenyetso**

- A) Gerefiye akora ku buryo hafatwa raporo yuzuye y'ibyavugiwe mu iburanisha byose kandi akayishyingura, bikubiyemo ifatwa ry'amajwi, inyandikomvugo z'iburanisha, n'ifatwa rya videwo.
- B) Iyo Urugereko rwa Mbere rw'Iremezo rumaze gusuzuma ibibazo byose birebana no kurengera umutekano w'abatangabuhamya, rushobora gutegeka ko inyandikomvugo y'ibyavugiwe mu muhezo cyangwa igice cyayo bishyirwa ahagaragara iyo impamvu zatumaga bigirwa ibanga zitakiriho. Urugereko rukurikiza Ingingo ya 86 I) ariko hahindutse ibigomba guhinduka.
- C) Gerefiye ashinzwe gushyingura ibimenyetso byose bifatika byatanzwe mu rubanza no kubicunga neza ngo bitangirika, keretse Umucamanza cyangwa Urugereko baramutse babigennye ukundi.
- D) Urugereko rwa Mbere rw'Iremezo ni rwo rwemerera undi muntu utari uwo mu Biro bya Gerefiye kuba yafotora, yafata amajwi cyangwa videwo mu gihe cy'iburanisha.

## **Ingingo ya 96**

### **Iburanisha hifashishijwe ikoranabuhanga ry'amajwi n'amashusho (video-conference)**

Umucamanza cyangwa Urugereko, babisabwe n'umuburanyi cyangwa babyibwirije, bashobora, kubera inyungu z'ubutabera, gufata icyemezo cyo kuburanisha hifashishijwe ikoranabuhanga ry'amajwi n'amashusho rituma abantu bavugana barebana kandi batari hamwe.

## **Ingingo ya 97**

### **Gufatanya no gutandukanya imanza**

- A) Iyo imanza z'abaregwa zafatanyijwe, buri wese muri bo aba afite uburenganzira bungana n'ubwo yaba afite aramutse aburanishijwe wenyine.
- B) Urugereko rwa Mbere rw'Iremezo rushobora gutegeka ko imanza zafatanyijwe hashingiwe ku Ngingo ya 49 zitandukanywa kugira ngo hatabaho ikibazo cy'inyungu zitabangikanywa cyatuma hari uregwa ubangamirwa bikomeye, cyangwa kugira ngo harengerwe inyungu z'ubutabera.

## **Ingingo ya 98**

### **Kuburanisha uregwa adahari**

Iyo uregwa yanze kwitaba Urugereko rwa Mbere rw'Iremezo kugira ngo aburane, rushobora gutegeka ko urubanza rukomeza adahari iyo akomeje kunangira, rupfa gusa kuba rubona neza ko:

- i) uregwa yarwitabye bwa mbere hashingiwe ku Ngingo ya 64;
- ii) Gerefiye yamenyesheje uregwa mu buryo buteganywa n'amategeko ko agomba kwitaba mu rubanza rwe;
- iii) uregwa nta kibazo cy'ubuzima afite cyaba icyo ku mubiri cyangwa mu mutwe cyamubuza kwitaba;
- iv) uregwa yivukije ku bwende kandi atajijinganya uburenganzira bwe bwo kwitaba mu rubanza, cyangwa se yatakaje ubwo burenganzira;
- v) hari avoka uhagarariye inyungu z'uregwa.



## **Ingingo ya 99**

### **Ibikoresho byo kuziga uregwa**

Ibikoresho byo kuziga uregwa, nk'amapingu, bikoreshwa gusa kugira ngo adatoroka mu gihe yoherejwe ahandi cyangwa kugira ngo atikomereza, adakomeretsa abandi cyangwa atagira ibintu yangiza ku buryo bukomeye. Ibyo bikoresho babimukuraho iyo yitabye Urugereko cyangwa Umucamanza.

## **Ingingo ya 100**

### **Imyanzuro yo mu ikubitiro mu magambo**

Mbere y'uko Porokireri atanga ibimenyetso bye, buri muburanyi ashobora gutanga imyanzuro ye yo mu ikubitiro mu magambo. Cyakora, Ubwunganizi bushobora guhitamo gutanga iyo myanzuro nyuma y'uko Porokireri atanga ibimenyetso bye bishinja, ariko na none bukayitanga mbere yo gutanga ibimenyetso byabwo bishinjura.

## **Ingingo ya 101**

### **Ijambo ry'uregwa**

- A) Nyuma y'impinamyanzuro y'ababuranyi, cyangwa nyuma y'impinamyanzuro ya Porokireri iyo Ubwunganizi bwahisemo kuzatanga impinamyanzuro yabwo nyuma hashingiwe ku Ingingo ya 100, umuburanyi iyo abishatse ashobora gufata ijambo ariko Urugereko rwa Mbere rw'Iremezo rubimwemereye kandi rubimugenzuramo. Uregwa nta nshingano afite yo gufata ijambo ku mugaragaro kandi nta cyo abazwa ku birebana n'iryo jambo rye.
- B) Urugereko rwa Mbere rw'Iremezo rufata icyemezo ku birebana n'agaciro iryo jambo rishobora kuba rifite.

## **Ingingo ya 102**

### **Itangwa ry'ibimenyetso**

- A) Buri muburanyi afite uburenganzira bwo guhamagaza abatangabuhamya mu iburanisha no gutanga ibimenyetso. Uretse igihe Urugereko rwa Mbere rw'Iremezo rwabitegeka ukundi bitewe n'inyungu z'ubutabera, ibimenyetso bitangwa bikurikiranye gutya:

- i) ibimenyetso bya Porokireri;
  - ii) ibimenyetso by'Ubwunganizi;
  - iii) ibimenyetso bya Porokireri bivuguruzwa iby'Ubwunganizi;
  - iv) ibimenyetso by'Ubwunganizi bihinyuzwa iby' bitanzwe na Porokireri;
  - v) ibimenyetso byategetswe n'Urugereko rwa Mbere rw'Iremezo hashingiwe ku Ngingo ya 120 ; na
  - vi) amakuru yose afite aho ahuriye n'urubanza yatuma Urugereko rwa Mbere rw'Iremezo rugena igihano gikwiye, iyo uregwa ahamwe n'icyaha kimwe cyangwa byinshi mu biri mu nyandiko y'ibirego.
- B) Nyuma y'ibazwa ry'ibanze, buri gihe umuburanyi ashobora kubaza ibibazo binyomoza n'ibibazo by'inyongera. Umutangabuhamya abanza kubazwa n'umuburanyi wamuhamagaje, ariko n'Umucamanza ashobora kumubaza ikibazo iki n'iki aho iburanisha ryaba rigeze hose.
- C) Uregwa ashobora, iyo abishatse, kwitaba urukiko nk'umutangabuhamya mu rubanza rwe.

### **Ingingo ya 103**

#### **Imyanzuro nsozarubanza y'ababuranyi mu magambo**

- A) Nyuma y'itangwa ry'ibimenyetso byose, Porokireri ashobora gutanga imyanzuro ye nsozarubanza mu magambo. Porokireri yabikora cyangwa atabikora, Ubwunganizi bushobora gutanga imyanzuro nsozarubanza yabwo mu magambo. Iyo Porokireri abishatse, ashobora gusubiza icyo myanzuro ndetse n'Ubwunganizi bukaba bwagira icyo buvuga kuri icyo gisubizo cya Porokireri.
- B) Imyanzuro nsozarubanza yanditse y'ababuranyi itangwa] hasigaye nibura iminsi itanu ngo batange imyanzuro nsozarubanza yabo mu magambo.
- C) Muri icyo myanzuro nsozarubanza mu magambo, ababuranyi banagira icyo bavuga ku igenagihano.

## **Ingingo ya 104**

### **Impaka z'Abacamanza mbere yo guca urubanza**

- A) Nyuma y'imyanzuro nsozarubanza y'ababuranyi, Perezida w'inteko afundikira iburanisha, hanyuma Abacamanza bagize iyo nteko bakiherera kugira ngo bace urubanza. Uregwa ahamwa n'icyaha iyo gusa, ku bwiganze bw'amajwi, Abacamanza bagize inteko basanze kimuhama nta gushidikanya.
- B) Urugereko rwa Mbere rw'Iremezo rufata icyemezo kuri buri kirego kiri mu nyandiko y'ibirego. Iyo abaregwa babiri cyangwa barenzeho baburanishirijwe hamwe hashingiwe ku Ngingo ya 49, Urugereko rufata icyemezo kuri buri wese muri bo.
- C) Iyo Urugereko rwa Mbere rw'Iremezo rusanze uregwa ahamwa n'icyaha kimwe cyangwa byinshi biri mu nyandiko y'ibirego, rugena igihano kuri buri cyaha kandi rukerekana niba ibyo bihano bizarangirizwa icya rimwe bikomatanyijwe cyangwa niba kimwe kizarangizwa ukwacyo ikindi ukwacyo. Cyakora Urugereko, rushingiye ku bubasha bwarwo busesuye, rushobora kugena igihano kimwe rukumbi gikwiranye n'imyitwarire mibisha y'uregwa yose uko yakabaye.

## **Ingingo ya 105**

### **Ingingo rusange**

- A) Ku birebana n'ibimenyetso, Urugereko rukurikiza amahame avugwa kuva ku Ngingo ya 105 kugeza ku ya 120 kandi ntirugendera byanze bikunze ku mategeko agenga ibimenyetso y'igihugu iki n'iki.
- B) Iyo Amategeko nta cyo ateganya ku kibazo runaka, Urugereko rukurikiza amahame agenga ibimenyetso yatuma urubanza rucibwa mu buryo buboneye kandi bugendeye mu murongo umwe n'ibiteganywa na Sitati n'amahame rusange y'amategeko.
- C) Urugereko rushobora kwakira ikimenyetso cyose gifitanye isano n'urubanza iyo rubona gifite agaciro.
- D) Urugereko rushobora kutakira ikimenyetso cyose rubona ko agaciro kacyo karutwa kure n'ibisabwa kugira ngo urubanza rucibwe mu buryo buboneye.

- E) Urugereko rushobora gusaba ko ibimenyetso bitatangiwe mu iburanisha bigenzurwa ko ari imvaho.
- F) Urugereko rushobora kwakira ubuhamya bwatanzwe mu magambo cyangwa se ubwatanzwe mu nyandiko hashingiwe ku Ngingo ya 110, iya 111, iya 112, iya 113 n'iya 116.

### **Ingingo ya 106**

#### **Ubuhamya butangiwe mu rukiko**

- A) Mbere yo gutanga ubuhamya, buri mutangabuhamya arahira ku mugaragaro mu magambo akurikira: «Ndahiye ku mugaragaro ko nza kuvuga ukuri, ukuri kose, kandi ukuri gusa».
- B) Urugereko rushobora kwemerera umwana gutanga ubuhamya atabanje kurahira, mu gihe rusanga adasobanukiwe n'iby'iyi ndahiro. Ibyo byemezwa iyo rusanze uwo mwana akuze bihagije ku buryo yasobanura uko ibintu azi byagenze kandi azi inshingano yo kuvugisha ukuri. Cyakora, ubuhamya nk'ubwo bwonyine ntibushobora gushingirwaho mu icibwa ry'urubanza.
- C) Uretse umutangabuhamya w'impuguke, nta mutangabuhamya wemerewe kumva ubuhamya bw'undi iyo ataratanga ubwe. Cyakora, aramutse yumvise ubuhamya bw'undi mbere y'uko atanga ubwe, ibyo byonyine ntibyabuza ubwe kwakirwa.
- D) Hatitawe ku bivugwa mu gika C), kandi bitegetswe n'Urugereko, nta wushobora kurwanya ko umuntu ushinze iperereza w'uruhande urwo ari rwo rwose ahamagazwa gutanga ubuhamya, yitwaje ko yari mu cyumba cy'iburanisha mu gihe ryabaga.
- E) Umutangabuhamya ashobora kwanga gutanga ubuhamya ubwo ari bwo bwose bushobora kumushinja. Urugereko rushobora ariko kumutegeka gusubiza ibibazo. Ubuhamya bubonetse muri ubwo buryo ntibushobora gukoreshwa nyuma mu kumushinja, keretse iyo akurikiranyweho icyaha cy'ubuhamya bw'ikinyoma.
- F) Urugereko rugenzura uburyo ibazwa ry'abatangabuhamya n'itangwa ry'ibimenyetso bikorwa, kimwe n'uko bikurikirana kugira ngo:
  - i) ibazwa n'itangwa ry'ibimenyetso bigaragaze ukuri; kandi

- ii) ntibiteshe igihe ku maherere.
- G) Urugereko rushobora kwanga kumva umutangabuhamya utanditse ku rutonde rw'abatangabuhamya rwakozwe hashingiwe ku Ngingo ya 70 E) na M) y' Amategeko.
- H) i) Ibaza rinyomoza ryibanda gusa ku bintu byavuzwe mu ibaza ry'ibanze cyangwa ku birebana n'ukwizerwa k'umutangabuhamya. Ryibanda kandi ku birebana n'iby umuburanyi unyomoza aburanisha mu rubanza ariko na none bitangwaho ubuhamya n'uwo mutangabuhamya.
- ii) Iyo umuburanyi anyomoza umutangabuhamya ushobora gusobanura ikintu runaka kirebana n'ingingo aburanisha mu rubanza, agomba kwereka uwo mutangabuhamya ibimenyetso bifatika afite bivuguruza ubuhamya bwe maze uwo mutangabuhamya akagira icyo abisubizaho.
- iii) Urugereko rushobora, iyo rusanze ari ngombwa, kwemera ko habazwa ibibazo ku bindi bintu.

### **Ingingo ya 107**

#### **Kwimura umutangabuhamya ufunze**

- A) Umufungwa uwo ari we wese utegetswe na IRMCT kuyitaba kugira ngo atange ubuhamya, yimurirwa by'agateganyo muri gereza y'ishami rya IRMCT bireba, ariko agasubizwa aho yari asanzwe afungiyemo nyuma y'igihe IRMCT yateganyije.
- B) Itegeko ryo kwimura umufungwa ritangwa gusa ari uko Umucamanza cyangwa Urugereko bamaze kugenzura ko:
  - i) umufungwa ugomba gutanga ubuhamya adakenewe mu rubanza nshinjabyaha mu gihugu afungiyemo mu gihe IRMCT imwifuza;
  - ii) iyimurwa ry'uwo mufungwa ritatuma igihe agomba kumara afunze cyiyongera hakurikijwe icyo yakatiwe muri icyo gihugu.
- C) Gerefiye ashyikiriza itegeko ryo kwimura umufungwa abategetsi b'igihugu afungiyemo cyangwa ab'igihugu gitegeka cyangwa kigenzura aho afungiyemo. Iyimurwa ry'uwo mufungwa rikorwa n'abategetsi bireba b'icyo gihugu bafatanyije na Gerefiye n'igihugu IRMCT ifitemo icyicaro.

- D) Gerefiye agomba gukora ibishoboka byose kugira ngo kwimura umufungwa bigende neza, harimo no gukurikirana imifungire y’uwo mutangabuhamya muri gereza ya IRMCT, kumenya ibishobora guhinduka muri iyo mifungire nk’uko biba biteganywa n’amategeko y’igihugu uwo mufungwa aba yaturutsemo, kandi bishobora kugira ingaruka ku gihe cy’igifungo cy’uwo mutangabuhamya muri gereza ya IRMCT, maze bikabimenyesha bidatinze Umucamanza cyangwa Urugereko bireba.
- E) Iyo igihe cy’iyimurwa ry’agateganyo cyateganyijwe na IRMCT kirangiye, umutangabuhamya wari ufunze asubizwa abategetsi b’igihugu yaturutsemo keretse iyo hagati aho icyo gihugu cyatanze itegeko ryo kumurekura. Iyo bigenze bityo, iryo tegeko rihita ryubahirizwa.
- F) Iyo igihe cyateganyijwe na IRMCT kirangiye ariko umutangabuhamya ufunzwe agikenewe, Umucamanza cyangwa Urugereko bashobora kucyongera, hubahirijwe ibikubiye mu gika B) cy’iyi Ngingo.

### **Ingingo ya 108**

#### **Ubuhamya bw’ikinyoma hejuru y’indahiro**

- A) Urugereko cyangwa Umucamanza umwe rukumbi, babyibwirije cyangwa babisabwe n’umwe mu baburanyi, bashobora kumenyesha umutangabuhamya ko agomba kuvuga ukuri, bakanamubwira ingaruka zaturuka ku gutanga ubuhamya bw’ikinyoma.
- B) Iyo Urugereko cyangwa Umucamanza umwe rukumbi bafite impamvu zihagije zituma babona ko umutangabuhamya yatanze ubuhamya bw’ikinyoma abizi kandi abishaka, bashobora gushyikiriza icyo kibazo Perezida, na we agashyiraho Umucamanza umwe rukumbi ushobora:
- i) gusaba Porokireri gukora iperereza kuri icyo kibazo kugira ngo ategure kandi amushyikirize inyandiko y’ibirego ku cyaha cyo gutanga ubuhamya bw’ikinyoma; cyangwa
  - ii) aramutse asanze Porokireri afite inyungu zidashobora kubangikanywa n’icyo kibazo, gutegeka Gerefiye gushyiraho incuti y’Urukiko kugira ngo ikore iperereza kandi imenyeshe Umucamanza umwe rukumbi niba hariho ibimenyetso bihagije byatuma habaho gukurikirana icyaha cyo gutanga ubuhamya bw’ikinyoma;

- C) Haseguriwe ibiteganywa n'Ingingo ya 6 ya Sitati, iyo Umucamanza umwe rukumbi asanga hariho impamvu zihagije zatuma umuntu akurikiranwaho icyaha cyo gutanga ubuhamya bw'ikinyoma, ashobora:
- i) iyo ibintu bimeze nk'ibivugwa mu gika B) i), gusaba Porokireri gutanga ikirego; cyangwa
  - ii) iyo ibintu bimeze nk'ibivugwa mu gika B) ii), gutanga itegeko, mu kigwi cy'inyandiko y'ibirego, maze agasaba incuti y'Urukiko gutanga ikirego.
- D) Aya Mategeko akurikizwa mu mihango iteganywa n'iyi Ngingo, ariko hahindutse ibigomba guhinduka.
- E) Umuntu wese uregwa icyaha cyo gutanga ubuhamya bw'ikinyoma ahabwa avoka hashingiwe ku Ngingo ya 43, iyo yujuje ibisabwa, bishyirwaho na Gerefiye, kugira ngo afatwe nk'umuntu udashoboye kwirihira avoka.
- F) Umucamanza ugize inteko y'Urugereko rwa Mbere rw'Iremezo umutangabuhamya yatangiye ubwo buhamya ntashobora kuburanisha mu rubanza uwo mutangabuhamya aregwamo icyaha cyo gutanga ubuhamya bw'ikinyoma.
- G) Umuntu uhamwe n'icyaha cyo gutanga ubuhamya bw'ikinyoma hejuru y'indahiro akatirwa igihano cy'igifungo kitarenze imyaka irindwi n'ihazabu itarenze amayero 50.000 cyangwa ihazabu, mu yandi mafaranga, ihwanye n'ayo mayero, cyangwa kimwe gusa muri ibyo bihano. Amafaranga y'ihazabu ashirikizwa Gerefiye maze na we akayashyira kuri konte yihariye iteganywa n'Ingingo ya 90 H) y'aya Mategeko.
- H) Ibiteganywa kuva ku gika B) kugera kuri G) bikurikizwa, hahindutse ibigomba guhinduka, ku muntu utanga ubuhamya bw'ikinyoma bwanditse, abizi kandi abishaka, mu buhamya bwanditse bwafashwe hashingiwe ku Ngingo ya 110, iya 111, iya 112 cyangwa iya 113 kandi uwo muntu yari azi cyangwa yaragombaga kumenya ko ubwo buhamya bushobora gukoreshwa nk'ikimenyetso mu rubanza muri TPIY, TPIR cyangwa IRMCT.
- I) icyemezo gifashwe n'Umucamanza umwe rukumbi mu rubanza rwerekeranye n'ubuhamya bw'ikinyoma, hashingiwe kuri iyi Ngingo, gishobora kujuririrwa. Inyandiko y'ubujurire igomba gutangwa mu gihe kitarenze iminsi cumi n'itanu uhereye ku itariki

y'itangwa ry'icyemezo kijuririrwa. Iyo icyo cyemezo cyatangajwe mu magambo gusa, inyandiko y'ubujurire itangwa mu gihe kitarenze iminsi cumi n'itanu uhereye ku itariki icyo cyemezo cyatangarijweho, keretse:

- i) iyo umuburanyi ujuririra icyemezo atari ahari cyangwa atari ahagarariwe ubwo cyatangazwaga; iyo bimeze gutyo, igihe cyo kujurira gitangira kubarwa uhereye ku munsu uwo muburanyi amenyesherejweho icyo cyemezo cyafashwe mu magambo; cyangwa
- ii) iyo Umucamanza umwe rukumbi yamenyesheje ko nyuma azatanga icyemezo cyanditse; iyo bimeze gutyo, igihe gitangira kubarwa uhereye ku munsu w'itangwa ry'icyemezo cyanditse.

Ujurira atanga imyanzuro y'ubujurire mu gihe kitarenze iminsi cumi n'itanu uhereye ku munsu atangiyeho inyandiko y'ubujurire. Uwiregura mu bujurire atanga igisubizo kuri iyo myanzuro mu gihe kitarenze iminsi icumi uhereye ku munsu w'itangwa ry'imyanzuro y'ubujurire kandi ujurira ashobora kugira icyo avuga kuri icyo gisubizo mu gihe kitarenze iminsi ine uhereye ku munsu cyatangiweho.

### **Ingingo ya 109**

#### **Ubwemeracyaha**

Iyo uregwa yemeye icyaha mu ibazwa rye, bifatwa ko yacyemeye ku bwende bwe kandi nta gahato, keretse habonetse ibimenyetso bihamya ko atemeye ku bwende; iryo bazwa ripfa gusa kuba ryubahirije, ku buryo butagira amakemwa, ibiteganywa n'Ingingo ya 66.

### **Ingingo ya 110**

#### **Iyakirwa ry'ubuhamya bwanditse n'ubw'inyandikomvugo z'iburanisha mu kigwi cy'ubuhamya butangiwe mu iburanisha**

- A) Urugereko rwa Mbere rw'Iremezo rushobora kwemeza ko atari ngombwa ko umutangubuhamya arwitaba maze rukemera ubuhamya bwe bwose cyangwa igice cyabwo bukubiye mu nyandiko zakozwe mbere cyangwa mu nyandikomvugo z'iburanisha ryabereye muri TPIY, TPIR cyangwa IRMCT, mu kigwi cy'ubuhamya yatangiye mu iburanisha, kandi ubwo buhamya bukaba bwerekana ikintu runaka kitari mu



byo uregwa ashinjwa cyangwa kitarebana n'imyitwarire ye bivugwa mu nyandiko y'ibirego.

i) Mu bintu bituma biba ngombwa gushyira muri dosiye ubuhamya bwanditse cyangwa inyandikomvugo z'iburanisha ryabaye mbere, harimo nko kuba ibyo bimenyetso biba:

- a) bisa n'ibisuramo ibyavuzwe cyangwa ibizavugwa kubera ko abatangabuhamya bazavugira cyangwa bavugiye mu iburanisha ku byabaye biteye kimwe;
- b) ari amakuru afite aho ahuriye n'urubanza ku birebana n'ibyabaye mu rwego rw'amateka, politiki n'igisirikare;
- c) ari isesengura rusange cyangwa ibarurishamibare by'abagize ubwoko bunyuranye mu turere tuvugwa mu nyandiko y'ibirego;
- d) birebana n'ingaruka ibyaha byagize ku bantu babikorewe;
- e) birebana n'imico y'uregwa; cyangwa
- f) birebana n'ibintu bigomba kwitabwaho mu kugena igihano.

ii) Mu bituma ubuhamya bwanditse cyangwa ubugizwe n'inyandikomvugo y'iburanisha butashyirwa muri dosiye, harimo impamvu zikurikira:

- a) kuba, kubera inyungu rusange, ibimenyetso bikubiye muri iyo nyandiko biba bigomba kuvugwa mu magambo mu iburanisha;
- b) kuba umuburanyi urwanya ko inyandiko ishyirwa muri dosiye ashobora kwerekana ko itakwizerwa kubera imiterere cyangwa inkomoko byayo, cyangwa se ko agaciro kayo ari gato cyane ugereranyije n'ingaruka mbi ishobora kugira; cyangwa
- c) kuba hari impamvu iyo ari yo yose ituma biba ngombwa ko umuburanyi yiyizira ubwe mu iburanisha kugira ngo abazwe ibibazo binyomoza.

B) Inyandiko ikubiyemo ubuhamya itangwa hashingiwe kuri iyi Ngingo yakirwa iyo yometseho icyemezo cy'uwatanze ubwo buhamya gisobanura ko akurikije ibyo azi n'ibyo yibuka, ibiyikubiyemo ari ukuri gusa, kandi

i) iyo nyandiko ikorwa hari:

- a) umuntu ufite ububasha bwo kwemeza agaciro gahabwa inyandiko nk'izo, hakurikijwe amategeko n'imihango iteganywa na buri gihugu; cyangwa
  - b) umukozi washyizweho na Gerefiye wa IRMCT kugira ngo akore ibyo; kandi
- ii) umuntu wemeje agaciro k'iyonyandiko agomba guhamya mu nyandiko ko:
- a) umwirondoro w'uwatanze iyo nyandiko ikubiyemo ubuhamya werekana ko ari iye koko;
  - b) uwatanze iyo nyandiko ikubiyemo ubuhamya yemeje ko, akurikije ibyo azi n'ibyo yibuka, ibiyikubiyemo ari ukuri gusa;
  - c) uwatanze iyo nyandiko ikubiyemo ubuhamya yamenyeshejwe ko ashobora gukurikiranwa ku cyaha cy'ubuhamya bw'ikinyoma mu gihe byagaragara ko yabeshye; na
  - d) itariki inyandiko ikubiyemo ubuhamya yandikiweho n'aho yandikiwe byombi ari ukuri.

Icyo cyemezo cyomekwa ku buhamya bwanditse bushyikirizwa Urugereko rwa Mbere rw'Iremezo.

- C) Urugereko rwa Mbere rw'iremezo, rumaze kumva ababuranyi, rwemeza niba ari ngombwa guhamagaza umutangabuhamya kugira ngo yitabe abazwe ibibazo binyomoza ; iyo bigenze gutyo, ibiteganywa n'Ingingo ya 111 birakurikizwa.

### **Ingingo ya 111**

#### **Ibindi bihe hakirwa ubuhamya bwanditse n'inyandikomvugo z'iburanisha ryabaye mbere**

- A) Urugereko rwa Mbere rw'Iremezo rushobora kwemera ubuhamya bwose cyanga igice cyabwo bukubiye mu nyandiko yatanzwe n'umutangabuhamya cyangwa mu nyandikomvugo y'iburanisha ryabaye mu rundi rubanza muri TPIY, TPIR cyangwa IRMCT, mu bihe bikurikira:
- i) iyo umutangabuhamya ahari mu gihe cy'iburanisha;
  - ii) iyo umutangabuhamya ashobora kubazwa ibibazo binyomoza no gusubiza ibibazo by'Abacamanza ibyo ari byo byose; kandi

- iii) iyo umutangabuhamy yemeza ko ibikubiye mu nyandiko ye cyangwa mu nyandikomvugo z'iburanisha bigaragaza ubuhamy uko yabutanze koko kandi ashimangira ko ubwo buhamya yabukomeza aramutse yongeye kubazwa.
- B) Ubuhamya bwakirwa hashingiwe ku gika A) bushobora kuba bugamije kwerekana ibikorwa runaka uregwa ashinjwa cyangwa imyitwarire ye bivugwa mu nyandiko y'ibirego.

## **Ingingo ya 112**

### **Abantu batabasha kuboneka**

- A) Hashobora kwakirwa ubuhamy bukubiye mu nyandiko cyangwa mu nyandikomvugo y'iburanisha bw'umuntu wafuye, ubw'uwaburiwe irengero ariko harakozwe ibishoboka byose ngo aboneke cyangwa se ubw'umuntu udashobora gutanga ubuhamy mu iburanisha kubera ikibazo cy'amagara ye byaba ku mubiri cyangwa mu mutwe, kabone n'ubwo iyo nyandiko yaba itarakozwe mu buryo buteganywa n'Ingingo ya 110, iyo Urugereko rwa Mbere rw'Iremezo:
- i) rwemera rwose ko uwo muntu atabasha kurwitaba kubera impamvu zimaze kuvugwa ; kandi
- ii) rubona neza ko, ukurikije uko ubwo buhamya bwatanzwe n'uko bwanditswe, ibibukubiyemo ari ibyo kwizerwa.
- B) Kuba ubuhamy bugamije kugaragaza ibikorwa n'imyifatire by'uregwa bivugwa mu nyandiko y'ibirego bishobora kuba impamvu ituma butakirwa bwose uko bwakabaye cyangwa igice cyabwo.

## **Ingingo ya 113**

### **Kwakira ubuhamy bwanditse n'ubukubiye mu nyandikomvugo z'iburanisha bwatanzwe n'abatangabuhamy batanishijwe**

- A) Urugereko rwa Mbere rw'Iremezo rushobora kwakira ubuhamy ubwo ari bwo bwose bukubiye mu nyandiko cyangwa mu nyandikomvugo y'iburanisha ry'urundi rubanza ryabereye muri TPIY, TPIR na IRMCT, kubera impamvu zikurikira:

- i) iyo umutangabuhamya atitabye cyangwa se yaritabye ariko ntatange ubuhamya cyangwa ntavuge ku bintu by'ingenzi;
- ii) iyo umutangabuhamya atitabye cyangwa ataratanze ubuhamya mu iburanisha bitewe yatanishijwe, nko kuba yarashyizweho ibikangisho, iterabwoba, yarahutajwe, yarahawe ruswa cyangwa yarashyizweho agahato;
- iii) iyo, bibaye ngombwa, hafashwe ingamba zishyize mu gaciro hashingiwe ku Ngingo ya 55 n'ya 86 kugira ngo umutangabuhamya ashobore kwitaba, cyangwa niba yitabye, ashobore gutanga ubahamya mu bwisanzure ku bintu byose by'ingenzi azi ; kandi
- iv) iyo ibyo ari ngombwa kugira ngo harengerwe inyungu z'ubutabera.

B) Ku birebana n'igika A):

- i) gutanisha bishobora kuba igikorwa gikorewe umutangabuhamya cyangwa undi muntu wese kigira ingaruka ku mubiri, ku mutungo cyangwa ku nyungu zo mu rwego rw'ubukungu cyangwa ku zindi;
- ii) inyungu z'ubutabera zigaragarira nko mu bintu bikurikira:
  - a) ukwizerwa k'ubuhamya bukubiye mu nyandiko cyangwa mu nyandikomvugo y'iburanisha hakurikijwe uburyo zakozwemo ;
  - b) uruhare bisa nk'aho umwe mu baburanyi, cyangwa undi wese ukorera inyungu z'uwo muburanyi, yagize muri uko gutanisha ; no
  - c) kuba ubuhamya bukubiye mu nyandiko cyangwa mu nyandikomvugo y'iburanisha bugamije kwerekana ibikorwa n'imyifatire uregwa ashinjwa mu nyandiko y'ibirego cyangwa atari byo bugamije.
- iii) Mu byo ubuhamya bwose bwakiriwe hashingiwe ku gika A) bushobora kwerekana harimo n'ibikorwa n'imyifatire uregwa ashinjwa mu nyandiko y'ibirego.

C) Urugereko rwa Mbere rw'Iremezo rushobora, mu rwego rwo gukurikiza iyi Ngingo, kwita ku buhamya ubwo ari bwo bwose bufite aho buhuriye n'urubanza, harimo n'ubwanditse.

## **Ingingo ya 114**

### **Ibimenyetso byerekeye imyitwarire umuntu asanganywe**

- A) Kubera inyungu z'ubutabera, hashobora kwakirwa ibimenyetso bigaragaza imyitwarire runaka umuntu asanganywe, ifite aho ihuriye n'ibyaha binyuranyije ku buryo bukomeye n'amategeko mpuzamahanga arengera abantu mu gihe cy'intambara nk'uko avugwa muri Sitati.
- B) Porokireri amenyesha Ubwunganizi ibikorwa bigaragaza iyo myitwarire, hashingiwe ku Ngingo ya 77.

## **Ingingo ya 115**

### **Ibyo Urugereko rwemeje ko ababuranyi batajyaho impaka**

- A) Urugereko rwa Mbere rw'Iremezo ntirusaba itangwa ry'ibimenyetso ku bintu by'ikimenyabose, ahubwo rufata icyemezo ko ababuranyi batagomba kubijyaho impaka.
- B) Urugereko rwa Mbere rw'Iremezo, rubyibwirije cyangwa rubisabwe n'umuburanyi ariko rumaze kumva icyo ababuranyi babivugaho, rushobora kwemeza ko nta mpaka ababuranyi bagomba kujya ku bintu runaka cyangwa ku bimenyetso ibi n'ibi byakiriwe na TPIY, TPIR cyangwa IRMCT mu zindi manza, bifitanye isano n'urubanza rurimo kuburanishwa.

## **Ingingo ya 116**

### **Ubuhamya bw'impuguke butangiwe mu iburanisha**

- A) Raporo na/cyangwa ubuhamya bwanditse byuzuye by'umutangabuhamya w'impuguke uzahamagazwa n'umwe mu baburanyi bishyikirizwa undi muburanyi mu gihe cyagenwe n'Urugereko rwa Mbere rw'Iremezo cyangwa n'Umucamanza ushinzwe gutegura urubanza.
- B) Bitarenze iminsi mironko itatu ikurikira umunsi raporo na/cyangwa ubuhamya bwanditse by'umutangabuhamya w'impuguke byatangiweho, cyangwa mu gihe icyo ari cyo cyose cyagenwe n'Urugereko rwa Mbere rw'Iremezo cyangwa n'Umucamanza ushinzwe gutegura dosiye, undi muburanyi amenyesha Urugereko rwa Mbere rw'Iremezo niba:

- i) yemera cyangwa atemera ko uwo mutangabuhamya afite ubushobozi bwo kuba impuguke;
  - ii) yemera raporo na/cyangwa ubuhamya bwanditse by'uwo mutangabuhamya w'impuguke;
  - iii) yifuza kubaza uwo mutangabuhamya w'impuguke ibibazo binyomoza.
- C) Iyo undi muburanyi avuze ko yemeye raporo na/cyangwa ubuhamya bwanditse by'umutangabuhamya w'impuguke, Urugereko rwa Mbere rw'Iremezo rushobora kwakira iyo raporo na/cyangwa ubwo buhamya bwanditse nk'ibimenyetso, bitabaye ngombwa ko iyo mpuguke ihamagazwa gutanga ubuhamya mu iburanisha.

### **Ingingo ya 117**

#### **Ibimenyetso bitakirwa**

Nta kimenyetso na kimwe cyakirwa iyo cyabonetse mu buryo bwatuma kitizerwa cyangwa iyo kucyakira byaba binyuranyije n'imihango y'iburanisha kandi byabangamira bikabije imigendekere myiza y'ubutabera.

### **Ingingo ya 118**

#### **Itangwa ry'ibimenyetso ku bikorwa by'urugomo rushingiye ku gitsina**

Iyo habayeho ibikorwa by'urugomo rushingiye ku gitsina:

- i) hatitaweho ibiteganywa n'Ingingo ya 106 B), si ngombwa ko ubuhamya bw'umuntu wakorewe icyaha bugira ubundi bubushyigikira;
- ii) Uregwa ntashobora kwireguza ko yakoze ibyo bikorwa ku bwumvikane n'uwakorewe icyaha niba:
  - a) uwakorewe icyaha yarakorewe ibikorwa by'urugomo, yarashyizweho agahato, yarafungiranywe cyangwa yarahamuwe, cyangwa yarakangishijwe gukorerwa ibyo bikorwa cyangwa se yari afite impamvu zituma atinya kubikorerwa; cyangwa
  - b) uwakorewe icyaha yarabonaga, ashyize mu gaciro, ko aramutse atemeye, hari undi muntu washoboraga kugirirwa nabi, gukangishwa kubikorerwa cyangwa watinyaga kubikorerwa.

- iii) mbere y'uko Urugereko rwa Mbere rw'Iremezo rwakira ibimenyetso byerekana ko uwakorewe icyaha yari yabyemeye, uregwa agomba kubanza kurugaragariza, mu muhezo, ko ibyo bimenyetso ari ingirakamaro kandi ko ari ibyo kwizerwa.
- iv) uko uwakorewe icyaha yari asanzwe yitwara mu byerekeranye n'imibonano mpuzabitsina ntibishobora kwakirwa nk'ikimenyetso.

### **Ingingo ya 119**

#### **Ibanga hagati y'uregwa n'avoka we**

- A) Amakuru yose uregwa ahererekanya n'avoka we afatwa nk'ibanga ry'akazi ku buryo nta wushobora gutegeka ko amenyekanishwa mu rubanza, keretse:
  - i) uregwa abyemeye; cyangwa
  - ii) uregwa yarayahishuriye undi muntu ku bushake, kandi uwo muntu akabitangaho ubuhamya mu rubanza.
- B) Avoka ntashobora kwitwaza ibanga ry'akazi riri hagati ye n'uregwa ashingiye kuri iyi Ngingo ngo ahishire ibikorwa bye binyuranyije n'amategeko, nk'ibyo kugabana umushahara we n'uregwa.

### **Ingingo ya 120**

#### **Ububasha bw'Ingereko bwo gutegeka ko hatangwa ibimenyetso by'inyongera**

Urugereko rwa Mbere rw'Iremezo rushobora gutegeka umuburanyi uwo ari we wese gutanga ibimenyetso by'inyongera. Rushobora kandi, rubyibwirije, guhamagaza abatangabuhamya mu iburanisha.

### **Ingingo ya 121**

#### **Guhanaguraho icyaha uregwa**

Iyo Porokireri amaze gutanga ibimenyetso bishinja, Urugereko rwa Mbere rw'Iremezo rufata icyemezo cyo guhanaguraho icyaha uregwa iyo rusanze bidahagije kugira ngo ahanirwe icyaha icyo ari cyo cyose gikubiye mu nyandiko y'ibirego. Icyo cyemezo rugifata mu magambo kandi rumaze kumva icyo ababuranyi babivugaho, keretse ruramutse rubyemeje ukundi.

## **Ingingo ya 122**

### **Ikiza ry'urubanza**

- A) Urubanza rusomerwa mu ruhame n'Urugereko rwa Mbere rw'Iremezo, Umucamanza umwe urugize, cyangwa Umucamanza umwe rukumbi, ku itariki yamenyeshejwe ababuranyi n'abavoka b'uregwa, kandi bafite uburenganzira bwo kuba bahari kuri iyo tariki y'isomwa ry'urubanza, haseguriwe ibiteganywa n'Ingingo ya 126 B).
- B) Iyo Urugereko rwa Mbere rw'Iremezo rusanze uregwa ahamwa n'icyaha kandi rushingiye ku bimenyetso rwashyikirijwe rugasanga mu gukora icyo cyaha yarigaruriye umutungo w'abandi mu buryo bunyuranyije n'amategeko, ibyo rubigaragaza neza mu mwanzuro wihariye mu nyandiko y'urubanza itegurwa mu gihe giciriritse, kandi rushobora gutegeka ko uwo mutungo usubizwa ba nyirawo hashingiwe ku Ngingo ya 129.
- C) Urubanza rucibwa ku bwiganze bw'amajwi y'Abacamanza. Rugomba kuba rwanditse kandi rusobanura impamvu rushingiyeho cyangwa rwaba rutanditse inyandiko yarwo igatangwa bidatinze. Ibitekerezo byihariye by'Abacamanza cyangwa ibinyuranye n'ibya bagenzi babo bishobora komekwa ku nyandiko y'urubanza.
- D) Kopi y'inyandiko y'urubanza n'iy'ibitekerezo byihariye by'Abacamanza cyangwa ibinyuranye n'ibya bagenzi babo zigomba gushyikirizwa bidatinze uregwa mu rurimi yumva iyo afunze. Kopi z'izo nyandiko muri urwo rurimi no mu ndimi izo nyandiko zanditswemo zigomba kohererezwa bidatinze avoka wunganira uregwa.

## **Ingingo ya 123**

### **Uko uwahanaguweho icyaha afatwa**

- A) Haseguriwe ibiteganywa n'igika B) hano hasi, uregwa ahita arekurwa iyo ahanaguweho icyaha cyangwa iyo ingoboka y'iburabubasha ifite ishingiro.
- B) Iyo, mu gihe cy'isomwa ry'urubanza, Porokireri amenyesheje Urugereko rwa Mbere rw'Iremezo mu ruhame ko yifuza kujurira hashingiwe ku Ngingo ya 133, Urugereko rushobora, rubisabwe na Porokireri ariko rumaze kumva icyo ababuranyi babivugaho, gufata icyemezo cyo kugumisha uregwa muri gereza kugeza igihe urubanza ruzakirizwa mu bujuriye.



## **Ingingo ya 124**

### **Igenagihano iyo uregwa yemeye icyaha**

- A) Iyo Urugereko ruhamije uregwa icyaha hashingiwe ku bwemeracyaha bwe, Porokireri n'Ubwunganizi bashobora kurushyikiriza amakuru yose ya ngombwa yarufasha kugena igihano gikwiye.
- B) Haseguriwe ibiteganywa n'Ingingo ya 126 B), icyemezo kigena igihano gisomerwa mu ruhame, uwahamwe n'icyaha ahibereye.

## **Ingingo ya 125**

### **Ibihano**

- A) Umuntu uhamijwe icyaha kimwe cyangwa byinshi biteganywa n'Ingingo ya 1 kuva ku gika cya 1 kugeza ku cya 3) ya Sitati ashobora guhanishwa igihano cy'igifungo kimara igihe runaka cyangwa icya burundu.
- B) Mu kugena ibihano, Urugereko rwa Mbere rw'Iremezo ruzirikana ibiteganywa n'Ingingo ya 22 3), hamwe n'ibi bikurikira:
  - i) impamvu nyongeragihano;
  - ii) impamvu nyoroshyagihano harimo n'uburyo uregwa yafashije Porokireri mbere cyangwa nyuma y'uko icyaha kimuhama;
  - iii) urutonde rusange rw'ibihano by'igifungo rukurikizwa n'inkiko zo mu cyahoze ari Yugosilaviya cyangwa n'inkiko zo mu Rwanda;
  - iv) igihe uwahamwe n'icyaha yamaze muri gereza afungiwe icyo cyaha ku cyemezo cy'urukiko rw'igihugu runaka, iyo byabayeho, hashingiwe ku Ingingo ya 7 3) ya Sitati.
- C) Igihe uwahamwe n'icyaha yamaze afunze ategereje gushyikirizwa TPIY, TPIR cyangwa IRMCT, cyangwa ategereje gucirwa urubanza n'Urugereko rwa Mbere rw'Iremezo cyangwa n'Urugereko rw'Ubujurire, gikurwa mu gihe cy'igifungo cyose yakatiwe.

## **Ingingo ya 126**

### **Uko uwakatiwe afatwa**

- A) Urubanza ruhita rurangizwa rukimara gusomwa. Nyamara ariko, iyo habaye ubujurire, irangizarubanza rirasubikwa kugeza igihe Urugereko rw'Ubujurire rufatiye icyemezo kuri ubwo bujurire, kandi uwakatiwe akomeza gufungwa nk'uko biteganywa n'Ingingo ya 67.
- B) Iyo, hakurikijwe icyemezo cyafashwe mbere n'Urugereko rwa Mbere rw'Iremezo, uwakatiwe yarekuwe by'agateganyo cyangwa adafunze kubera indi mpamvu iyo ari yo yose, urubanza rugasomwa adahari, Urugereko rutanga itegeko ryo kumufata. Mu ifatwa rye, amenyeshwa ko yahamwe n'icyaha akamenyeshwa n'igihano yakatiwe, noneho ibiteganywa n'Ingingo ya 127 bikubahirizwa.

## **Ingingo ya 127**

### **Aho uwakatiwe afungirwa**

- A) Igihano cyo gufungwa kirangirizwa mu gihugu IRMCT ihitamo kuri risite y'ibihugu byagiranye amasezerano n'Umuryango w'Abibumbye kuri icyo kibazo, cyangwa byagaragaje ubushake bwo kwakira abakatiwe kugira ngo barangize ibihano byabo, hashingiwe ku yandi masezerano ayo ari yo yose.
- B) Kwimurira uwakatiwe mu gihugu azafungirwamo bikorwa bidatinze nyuma y'uko igihe cy'ubujurire kirangiye.
- C) Mu gihe haba hagitegerejwe ko harangira ibigomba gukorwa byerekeranye no kwimurira uwakatiwe mu gihugu azarangirizamo igihano, uwo wakatiwe aguma mu maboko ya IRMCT.

## **Ingingo ya 128**

### **Kugenzura uburyo uwakatiwe afunzwemo**

Irangizwa ry'igihano cy'igifungo icyo ari cyo cyose rigenzurwa na IRMCT mu gihe cyose ikiriho. Inama Ishinzwe Amahoro ku Isi ishobora gushyiraho urwego rwo kuyifasha no kugenzura irangizwa ry'ibihano IRMCT imaze kuvaho.

## **Ingingo ya 129**

### **Gusubiza umutungo**

- A) Nyuma y'urubanza ruhamya uregwa icyaha rukubiyemo icyemezo cyihariye giteganywa n'Ingingo ya 122 B), Urugereko rwa Mbere rw'Iremezo, rubisabwe na Porokireri cyangwa rubyibwirije, rugomba gushyiraho iburanisha ryihariye kugira ngo rugene uko umutungo cyangwa ibyawukomotseho byasubizwa. Hagati aho, Urugereko rwa Mbere rw'Iremezo rufite ububasha bwo gufata icyemezo bikwiye byo gushingana uwo mutungo cyangwa ibyawukomotseho no kuwurinda ngo utangirika.
- B) Icyemezo cyo gusubiza umutungo kireba umutungo nyirizina cyangwa ibyawukomotseho, kabone n'iyi byaba biri mu maboko y'abandi bantu badafite aho bahuriye n'ibyaha byahamye uregwa.
- C) Abo bantu bandi bahamagarwa imbere y'Urugereko rwa Mbere rw'Iremezo kandi bahabwa umwanya wo gusobanura uburyo uwo mutungo cyangwa ibyawukomotseho byageze mu maboko yabo.
- D) Iyo Urugereko rwa Mbere rw'Iremezo rushoboye kugaragaza nyir'umutungo nyakuri ruherereye ku bimenyetso byatanze no ku gaciro bifite, rutegeka ko uwo mutungo cyangwa ibyawukomotseho bisubizwa nyirabyo, cyangwa rugafata ikindi cyemezo rubona gikwiye.
- E) Iyo Urugereko rwa Mbere rw'Iremezo rudashoboye kugaragaza nyir'uwo mutungo rubimenyeshya abategetsi b'igihugu babifitiye ububasha, rukabasaba kumugaragaza.
- F) Iyo Urugereko rwa Mbere rw'Iremezo rumaze kumenyeshwa n'abo bategetsi ko nyir'umutungo yagaragajwe, rutegeka isubizwa ry'uwo mutungo cyangwa ibyawukomotseho.
- G) Gerefiye yoherereza abategetsi b'igihugu babifitiye ububasha inyandiko zihamagara, icyemezo n'ibyifuzo by'Urugereko rwa Mbere rw'Iremezo, hashingiwe kuri iyi Ingingo mu bika C), D), E) na F).

## **Ingingo ya 130**

### **Kugenera indishyi abakorewe ibyaha**

- A) Gerefiye ashyikiriza abategetsi bireba b'igihugu kopi y'urubanza rwemeje ko uregwa ahamwa n'icyaha cyakorewe umuntu runaka.
- B) Uwakorewe icyaha cyangwa abantu bafite uburenganzira ku bye bashobora, hakurikijwe amategeko y'igihugu bireba, kuregera indishyi mu nkiko z'icyo gihugu cyangwa mu rundi rwego rubifitiye ububasha.
- C) Kugira ngo indishyi zitangwe hashingiwe ku gika B) cy'iyi Ngingo, urubanza rwaciwe na IRMCT rufatwa nk'indasubirwaho kandi ni rwo rugenderwaho ku byerekeye uburyozwacyaha bw'uwakatiwe.

## UMUTWE WA VII – Ubujurire

### Ingingo ya 131

#### Ingingo rusange

Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso akurikizwa mu Ngereko za Mbere z'Iremezo n'imbere y'Umucamanza umwe rukumbi ni na yo akurikizwa mu Rugereko rw'Ubujurire, ariko hahindutse ibigomba guhinduka.

### Ingingo ya 132

#### Ubujurire ku byemezo bikemura ibyifuzo by'ingoboka

- A) Haseguriwe ibiteganywa n'igika C) cy'iyi Ngingo hamwe n'Ingingo ya 68 F), umuburanyi wifuza kujuririra icyemezo amategeko yemera ko gishobora kujuririrwa abikora mu gihe kitarenze iminsi irindwi uherye ku itariki icyo cyemezo kinengwa cyafatiweho. Umuburanyi bahanganye atanga igisubizo mu gihe kitarenze iminsi icumi uherye ku itariki ubujurire bwatangiweho. Iyo bibaye ngombwa, ujurira atanga imyanzuro igira icyo ivuga kuri icyo gisubizo mu gihe kitarenze iminsi ine uherye ku itariki cyatangiweho.
- B) Iyo umuburanyi yasabye uruhushya rwo kujurira akabyemererwa hashingiwe ku Ngingo ya 79 C) cyangwa iya 80 B), ajurira mu gihe kitarenze iminsi irindwi uherye ku itariki icyemezo kimuha uruhushya rwo kujurira cyatangiweho. Umuburanyi bahanganye atanga igisubizo mu gihe kitarenze iminsi icumi uherye ku itariki ubujurire bwatangiweho. Iyo bibaye ngombwa, ujurira atanga imyanzuro igira icyo ivuga kuri icyo gisubizo mu gihe kitarenze iminsi ine uherye ku itariki cyatangiweho.
- C) Iyo:
- i) uregwa atari ahari cyangwe atari ahagarariwe ubwo icyemezo cyafatwaga, ibihe byo kujurira cyangwa byo gutanga inyandiko y'ubujurire biteganywa n'iyi Ngingo bitangira kubarwa uherye ku itariki uregwa yamenyesherejweho icyo cyemezo;
  - ii) Urugereko rwa Mbere rw'Iremezo cyangwa Umucamanza umwe rukumbi basobanuye neza ko icyemezo cyanditse kizasohoka nyuma, ibihe byo kujurira

cyangwa byo gutanga inyandiko y'ubujurire biteganywa n'iyi Ngingo bitangira kubarwa uhereye ku itariki icyo cyemezo cyanditse cyatangiweho.

### **Ingingo ya 133**

#### **Inyandiko y'ubujurire**

Umuburanyi wifuzza kujuririra urubanza agomba gutanga inyandiko y'ubujurire igaragaza impamvu ashingiraho ajurira mu gihe kitarenze iminsi mirongo itatu ikurikira itariki inyandiko y'urubanza yatangiweho. Ujurira yerekana kandi neza itegeko cyangwa icyemezo bijuririrwa, itariki byafatiweho na/cyangwa ipaji y'inyandikomvugo y'iburanisha, imiterere y'amakosa yataruye, n'ibyo asaba. Urugereko rw'Ubujurire rushobora kwemera ihindurwa ry'impamvu z'ubujurire, iyo hatanzwe icyifuzo kibisaba kandi rugasanga gifite ishingiro.

### **Ingingo ya 134**

#### **Icyifuzo gitanzwe n'igihugu gisaba isuzuma ry'icyemezo**

- A) Igihugu kirebwa n'icyemezo cy'Urugereko rwa Mbere rw'Iremezo gikemura icyifuzo cy'ingoboka gishobora gusaba Urugereko rw'Ubujurire gusuzuma icyo cyemezo, mu gihe kitarenze iminsi 15 uhereye ku itariki icyo cyemezo cyafatiweho.
- B) Urugereko rw'Ubujurire rwumva umuburanyi watanze icyifuzo icyemezo kinengwa cy'Urugereko rwa Mbere rw'Iremezo cyakomotseho. Urugereko rw'Ubujurire rushobora no kumva undi muburanyi iyo rubona ko byarengera inyungu z'ubutabera.
- C) Urugereko rw'Ubujurire rushobora igihe icyo ari cyo cyose guhagarika irangizwa ry'icyemezo kinengwa.

### **Ingingo ya 135**

#### **Umucamanza utegura urubanza mu bujurire**

- A) Perezida w'Urugereko rw'Ubujurire ashobora gushinga umwe mu bacamanza barugize gutegura urubanza mbere y'iburanisha («Umucamanza utegura urubanza mu bujurire»).
- B) Umucamanza utegura urubanza mu bujurire akora ku buryo imihango ikurikizwa itazarira, kandi agafata ingamba zose ku bibazo birebana n'imiburanishirize, harimo

n'ibyemezo, amategeko n'amabwiriza, kugira ngo iburanisha ritangire, hagamijwe imiburanishirize iboneye kandi yihuse.

### **Ingingo ya 136**

#### **Dosiye y'ubujurire**

Dosiye y'ubujurire igizwe n'ibiri muri dosiye y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo nk'uko biba byemejwe na Gerefiye.

### **Ingingo ya 137**

#### **Kopi ya dosiye y'ubujurire**

Gerefiye akora amakopi ya dosiye y'ubujurire akoresheje ikoranabuhanga rya elegitoroniki angana n'umubare w'abaturanyi n'uw'Abacamanza bo mu Rugereko rw'Uburujire.

### **Ingingo ya 138**

#### **Imyanzuro y'ujurira**

- A) Imyanzuro y'ujurira, ikubiyemo ingingo zose n'ibyo yifashishije mu kuzisobanura, itangwa mu gihe kitarenze iminsi mirongo irindwi n'itanu uherye ku muni inyandiko y'ubujurire yatangiweho nk'uko biteganywa n'Ingingo ya 133. Iyo ubujurire bwerekeye igihano gusa, imyanzuro y'ujurira itangwa mu gihe kitarenze iminsi mirongo itatu uherye ku muni inyandiko y'ubujurire yatangiweho nk'uko biteganywa n'Ingingo ya 133.
- B) Iyo Porokireri ari we wajuriye, atangaza mu myanzuro ye y'ubujurire ko, ku muni yayitangiyeho, inyandiko zose yari afite zigomba kumenyeshwa urundi ruhande yazitanze.

### **Ingingo ya 139**

#### **Imyanzuro y'usubiza mu bujurire**

- A) Imyanzuro y'usubiza mu bujurire, ikubiyemo ingingo zose n'ibyo yifashishije mu kuzisobanura, itangwa mu gihe kitarenze iminsi mirongo ine uherye ku itariki ujurira yatangiyeho imyanzuro ye. Iyo ubujurire bwerekeye igihano gusa, imyanzuro y'usubiza

mu bujurire itangwa mu gihe kitarenze iminsi mirongo itatu uhereye ku itariki imyanzuro y'ubujurire yatangiweho.

- B) Iyo Porokireri ari we muburanyi usubiza mu bujurire, atangaza mu myanzuro ye y'usubiza mu bujurire ko, ku munsu yayitangiyeho, yatanze inyandiko zose yari afite zigomba kumenyeshwa undi muburanyi.

### **Ingingo ya 140**

#### **Igisubizo cy'ujurira ku myanzuro y'usubiza mu bujurire**

Ujurira ashobora gutanga igisubizo ku myanzuro y'usubiza mu bujurire mu gihe kitarenze iminsi cumi n'itanu uhereye ku itariki iyo myanzuro yatangiweho. Iyo ubujurire bwerekeye igihano gusa, igisubizo cy'ujurira ku myanzuro y'usubiza mu bujurire gitangwa mu gihe kitarenze iminsi icumi uhereye ku itariki iyo myanzuro y'usubiza yatangiweho.

### **Ingingo ya 141**

#### **Itariki y'iburanisha**

Iyo ibihe byo gutanga imyanzuro biteganywa n'Ingingo za 111,112 na 113 byarangiyeye, Urugereko rw'Ubujurire rugena itariki y'iburanisha, hanyuma Gerefiye akayimenyeshya ababuranyi.

### **Ingingo ya 142**

#### **Ibimenyetso by'inyongera**

- A) Umuburanyi ashobora gutanga icyifuzo gisaba Urugereko rw'Ubujurire kumwemerera kurushyikiriza ibimenyetso by'inyongera. icyo cyifuzo kigomba kugaragaza neza, kandi mu buryo busobanutse, umwanzuro w'Urugereko rwa Mbere rw'Iremezo utuma hatangwa ibyo bimenyetso by'inyongera. icyo cyifuzo kigezwa kuri Gerefiye kandi kimenyeshwa undi muburanyi mu gihe kitarenze iminsi mirongo itatu uhereye ku itariki ujurira yasubirijeho imyanzuro y'usubiza, keretse hariho impamvu zumvikana cyangwa, nyuma y'iburanisha mu bujurire, impamvu zikomeye cyane zatuma hatangwa igihe cy'inyongera. Undi muburanyi atanga igisubizo mu gihe kitarenze iminsi mirongo itatu uhereye ku itariki icyifuzo cyatangiweho. Iyo bibaye ngombwa, umuburanyi watanze



icyifuzo atanga igisubizo ku myanzuro y'usubiza mu bujurire mu gihe kitarenze iminsi cumi n'ine uherye ku itariki iyo myanzuro yatangiweho.

- B) Umuburanyi wese urebwa n'icyo cyifuzo ashobora gutanga ibimenyetso bikirwanya. Ku birebana n'ingaruka ibimenyetso by'inyongera bifite ku rubanza, ababuranyi bemerewe gutanga imyanzuro y'inyongera mu gihe cy'iminsi itarenze cumi n'itanu uherye ku itariki ya nyuma yo gutangiraho ibimenyetso birwanya icyifuzo niba ibyo bimenyetso ntabyatanzwe. Iyo byatanzwe, imyanzuro y'inyongera itangwa mu gihe kitarenze iminsi cumi n'itanu uherye ku itariki icyemezo cyo kwakira ibimenyetso by'inyongera cyatangiweho.
- C) Iyo Urugereko rw'Ubujurire rusanze ibyo bimenyetso ari ingirakamaro, byakwizerwa kandi bitarashoboraga kuboneka mu rubanza ubwo rwacibwaga n'Urugereko rwa Mbere rw'Iremezo, rusuzuma niba iyo bitangwa icyo gihe hari icyo byari guhindura ku mikirize y'urubanza. Iyo rusanze hari icyo byari guhindura, rubishingiraho hamwe n'ibindi bimenyetso byose byo muri dosiye kimwe n'ibindi bimenyetso bibinyomoza byatanzwe n'undi muburanyi, maze rugaca urubanza burundu rukurikije ibiteganywa n'Ingingo ya 144. N'iyi Urugereko rw'Ubujurire rusanze ibyo bimenyetso byarashoboraga kuboneka mu gihe cy'iburanisha mu Rugereko rwa Mbere rw'Iremezo, rushobora kubyakira ariko umuburanyi wabitanze amaze kwerekana ko kubyigizayo byatuma urubanza rucibwa nabi.
- D) Urugereko rw'Ubujurire rushobora gufata icyemezo kuri icyo cyifuzo mbere y'iburanisha mu bujurire cyangwa mu gihe cy'iburanisha, rumaze kumva ababuranyi cyangwa se rutiriwe rubumva.
- E) Iyo hajuriye abaregwa barenze umwe mu mu rubanza rumwe, ikimenyetso cy'inyongera gitanzwe n'umwe muri bo iyo cyakiriwe cyitabwaho mu isuzuma ry'ubujurire bwa buri wese, gipfa gusa kuba cyagira akamaro.

### **Ingingo ya 143**

#### **Imiburanishirize mu bujurire yihuse**

- A) Ubujurire ubwo ari bwo bwose, uretse uburebana n'imikirize y'urubanza, bushobora kuburanishwa ku buryo bwihuse hashingiwe kuri dosiye y'iburanisha yo mu Rugereko rwa Mbere rw'Iremezo. Icyemezo ku bujurire gishobora kandi gufatwa hashingiwe gusa

ku myanzuro yanditse y'ababuranyi.

- B) Ingingo kuva ku ya 136 kugeza ku ya 141 ntizikurikizwa kuri bene ubwo bujurire bumaze kuvugwa.
- C) Perezida w'Urugereko rw'Ubujurire, amaze kubijyaho inama n'Abacamanza bagize urwo Rugereko, ashobora kwemeza ko Ingingo ya 144 D) idakurikizwa.

### **Ingingo ya 144**

#### **Imikirize y'urubanza mu bujurire**

- A) Urugereko rw'Ubujurire ruca urubanza rushingiye kuri dosiye y'ubujurire no ku bimenyetso by'inyongera rwashyikirijwe, iyo bihari.
- B) Urubanza rucibwa ku bwiganze bw'amajwi y'Abacamanza. Rugomba kuba rwanditse kandi rusobanura impamvu imikirize yarwo ishingiyeho, cyangwa rwaba rutanditse inyandiko yarwo igatangwa bidatinze. Ibitekerezo byihariye by'Abacamanza cyangwa ibinyuranye n'ibya bagenzi babo bishobora komekwa ku nyandiko y'urubanza.
- C) Bitewe n'uko ibintu byifashe, Urugereko rw'Ubujurire rushobora gusubiza dosiye Urugereko rwa Mbere rw'Iremezo kugira ngo ruburanishe urubanza bundi bushya.
- D) Urubanza rusomwa mu ruhamwe n'Urugereko rw'Ubujurire cyangwa Umucamanza urugize, ku itariki yamenyeshejwe ababuranyi n'abavoka b'uregwa, kandi bafite uburenganzira bwo kuba bahari kuri iyo tariki y'isomwa ry'urubanza.

### **Ingingo ya 145**

#### **Uko uregwa afatwa nyuma y'icibwa ry'urubanza mu bujurire**

- A) Iyo uregwa akatiwe, urubanza ruhita rurangizwa.
- B) Iyo uregwa adahari ku muni w'isomwa ry'urubanza, bitewe n'uko yahanaguweho icyaha mu Rugereko rwa Mbere rw'Iremezo, cyangwa kubera icyemezo cyafashwe hashingiwe ku Ngingo ya 68, cyangwa kubera indi mpamvu iyo ari yo yose, Urugereko rw'Ubujurire rushobora guca urubanza adahari no gutegeka ko afatwa agashyikirizwa IRMCT.

**Ingingo ya 146**

**Gusaba isubirwamo ry’imikirize y’urubanza**

- A) Iyo hari ikimenyetso gishya kibonetse kitari kizwi n’umuburanyi bireba igihe urubanza rwari mu Rugereko rwa Mbere rw’Iremezo cyangwa mu Rugereko rw’Ubujurire za TPIY, TPIR na IRMCT, kandi uwo bireba yakoze ibishoboka byose ariko ntigishobore kuboneka kandi icyo gihe cyari gushobora kuba kamara mu mikirize y’urubanza, uwakatiwe ashobora kugeza kuri Perezida icyifuzo gisaba ko imikirize y’urubanza isubirwamo. Ibyo bishobora no gusabwa na Porokireri mu gihe kitarenze umwaka ukurikira itariki urubanza rwa burundu rwakirijweho.
- B) Perezida ashiraho inteko igizwe n’umubare w’Abacamanza ungana n’uw’abaciye urubanza, umuburanyi asaba ko imikirize yarwo isubirwamo, kugira ngo bafate icyemezo kuri icyo cyifuzo. Iyo bishoboka, hashyirwaho Abacamanza baciye urubanza mbere.
- C) Imyanzuro isubiza icyifuzo gisaba isubirwamo ry’imikirize y’urubanza itangwa mu gihe kitarenze iminsi mirongo ine, uhereye ku itariki icyo cyifuzo cyatangiweho.
- D) Uwatanze ikirego atanga igisubizo ku myanzuro isubiza iye mu gihe kitarenze iminsi cumi n’itanu uhereye ku itariki imyanzuro isubiza yatangiweho.

**Ingingo ya 147**

**Ibisuzumwa mu ikubitiro**

Iyo Urugereko ruteranye mu buryo buteganywa n’Ingingo ya 146 y’aya Mategeko rwemeye ko icyo kimenyetso gishya cyari kuba kamara mu mikirize y’urubanza iyo kiza kuba cyarabonetse mbere, rusubiramo imikirize y’urubanza maze, ababuranyi bamara kwisobanura, rugatanga icyemezo gishya.

**Ingingo ya 148**

**Ubujurire ku mikirize y’urubanza yasubiwemo**

Imikirize y’urubanza yasubiwemo n’Urugereko rwa Mbere rw’Iremezo ishobora kujuririrwa hashingiwe ku biteganywa mu Mutwe wa 7 w’aya Mategeko.

**Ingingo ya 149**

**Imenyekanisha rikorwa n’Ibihugu**

Iyo, ku bw’amategeko y’Igihugu uwakatiwe afungiyemo yujuje ibisabwa kugira ngo abe yagirirwa imbabazi, yagabanyirizwa igihano cyangwa yafungurwa mbere y’igihe, icyo gihugu kibimenyeshya IRMCT hashingiwe ku Ngingo ya 26 ya Sitati.

**Ingingo ya 150**

**Icyemezo cya Perezida**

Iyo Perezida amaze kumenyeshwa icyo kibazo cyangwa amaze gushyikirizwa, ku buryo butaziguye, icyifuzo cy’umuntu wahamijwe icyaha, kandi amaze kubijyamo inama n’Abacamanza b’Urugereko rwakatiye uregwa baburanisha muri IRMCT, yemeza niba bikwiye ko izo mbabazi zitangwa, ko icyo gihano kigabanywa cyangwa ko uwakatiwe afungurwa mbere y’igihe. Iyo nta n’umwe, mu Bacamanza bakatiye uwo muntu, ukiri Umucamanza wa IRMCT, Perezida agisha inama nibura abandi bacamanza babiri.

**Ingingo ya 151**

**Ibyitabwaho muri rusange mu gutanga imbabazi, kugabanya igihano cyangwa gufungura mbere y’igihe uwakatiwe**

Kugira ngo Perezida yemeze niba bikwiye ko uwakatiwe ahabwa imbabazi, agabanyirizwa igihano cyangwa afungurwa mbere y’igihe, azirikana ibintu binyuranye, nk’uburemere bw’icyaha cyakozwe, uko abagororwa bari mu rwego rumwe n’uwo wakatiwe bafashwe, ubushake uwakatiwe agaragaza bwo gusubira mu buzima busanzwe n’ukuntu yafashije Porokireri.

## UMUTWE WA X – Ibihe

### Ingingo ya 152

#### Ingingo rusange

- A) Ibihe ntarengwa bivugwa muri aya Mategeko bitangira kubarwa uhereye ku muni inyandiko irebana n'ikibazo yatangiweho, ariko uwo muni ntubarirwamo.
- B) Iyo igihe cyateganyijwe n'Amategeko, Urugereko cyangwa Umucamanza kirangiye ku muni Ibiro bya Gerefiye wa IRMCT bitakira inyandiko, kigizwayo izo nyandiko zikakirwa ku muni w'akazi ukurikiraho.

### Ingingo ya 153

#### Ibihe byo gutanga ibisubizo ku byifuzo by'ingoboka

- A) Ku birebana n'imiburanishirize mu rw'iremezo, iyo habayeho igisubizo ku cyifuzo cy'umuburanyi, gitangwa mu gihe kitarenze iminsi cumi n'ine uhereye ku itariki icyo cyifuzo cyatangiweho, keretse Urugereko cyangwa Umucamanza umwe rukumbi babitegetse ukundi, muri rusange cyangwa se mu rubanza runaka. Igisubizo ku myanzuro isubiza gitangwa, hashingiwe ku ruhushya rw'Urugereko rubifitiye ububasha cyangwa urw'Umucamanza umwe rukumbi, mu gihe kitarenze iminsi irindwi uhereye ku itariki imyanzuro isubiza yatangiweho.
- B) Ku birebana n'imiburanishirize y'imanza mu bujurire, iyo habayeho igisubizo ku cyifuzo cy'umuburanyi, gitangwa mu gihe kitarenze iminsi icumi uhereye ku itariki icyo cyifuzo cyatangiweho, keretse Urugereko rw'Ubujurire rubitegetse ukundi, muri rusange cyangwa se mu rubanza runaka. Iyo habayeho igisubizo ku myanzuro isubiza, gitangwa mu gihe kitarenze iminsi ine uhereye ku itariki iyo myanzuro isubiza yatangiweho.

### Ingingo ya 154

#### Ihindurwa ry'ibihe ntarengwa

- A) Haseguriwe ibiteganywa n'igika B), Urugereko rushobora, iyo icyifuzo kigaragaza impamvu zumvikana,

- i) kongera cyangwa kugabanya igihe cyose giteganywa n'aya Mategeko cyangwa cyashyizweho biyashingiyeho ; cyangwa
- ii) kwemera ko ikintu cyose gikozwe ibihe byateganyijwe byararenze gifite agaciro, byaba ngombwa rukerekana ibigomba kugenderwaho rubona ko bikwiye, kandi hatitaweho ko ibyo bihe byaba byararangiyeye cyangwa bitarangiye.

Iyo hongerewe ibihe byagenwe, igihe cyose cyongereweho ntigishobora kurenga igihe ntarengwa cyo hejuru ku bikorwa bigendana n'imiburanishirize byo muri urwo rwego.

B) Iyi Ngingo ntukurikizwa ku birebana n'ibihiteganywa n'Ingingo ya 38.

**UMUTWE WA XI – Imihango irebana no gushyira ahagaragara amadosiye  
n’ibimenyetso Urukiko rwari rwarabitse mu ibanga**

**Ingingo ya 155**

**Gushyira ahagaragara amadosiye n’ibimenyetso Urukiko rwari rwarabitse mu ibanga**

(Yahinduwe ku itariki ya 26 Nzeri 2016)

- A) Iyo dosiye y’urubanza yarangiye burundu Gerefiye amenyesha Perezida n’Inama Ishinzwe Amahoro ku Isi ko iyo dosiye igejeje igihe cyo gushyirwa ahagaragara.
- B) Iyo Perezida amaze kubimenyeshwa hashingiwe ku gika A), ashobora gushyiraho Umucamanza umwe rukumbi usuzuma dosiye n’ibimenyetso kugira ngo arebe niba hashobora gufatwa icyemezo cyo gushyira ahagaragara dosiye yose uko yakabaye cyangwa igice cyayo n’ibimenyetso byose cyangwa se bimwe muri byo. Kugira ngo hemezwe uko imanza zarangiye zizagenda zikurikirana mu gushyirwa ahagaragara, Perezida yita ku bintu byose birebana na zo, hanakubiyemo ibyihariye bikenewe n’inkiko zo mu cyahoze ari Yugosilaviya n’izo mu Rwanda.
- C) Umucamanza umwe rukumbi ateguka ko idosiye yose uko yakabaye cyangwa igice cyayo n’ibimenyetso byose cyangwa bimwe muri byo bishyirwa ahagaragara iyo impamvu zatumye bigirwa ibanga zitakiriho. icyemezo gifashwe hashingiwe kuri iki gika gitangira kubahirizwa hashize amezi ane uhereye ku itariki cyatangiweho.
- D) Umucamanza umwe rukumbi afata icyemezo ashingiye ku gika C) iyo gusa abona ko hakoze ibishoboka byose — binyujijwe ku Biro bya Gerefiye, iyo bibaye ngombwa — kugira ngo habeho gushyikirana na:
- i) abakorewe ibyaha, abatangabuhamya cyangwa abantu bafitanye amasano cyangwa bashyize hamwe na bo ;
  - ii) Ibihugu cyangwa Imiryango byasabye ko hafatwa icyo cyemezo hashingiwe ku Ngingo ya 56 cyangwa iya 76 z’aya Mategeko, cyangwa ku Ngingo zisa n’izo zo mu Mategeko ya TPIY cyangwa ya TPIR,
- kugira ngo agezweho amakuru y’ingenzi yamufasha mu gukemura ikibazo cyo gushyira ahagaragara ibikubiye muri dosiye.

- E) Iyo akurikiza iyi Ngingo, Umucamanza umwe rukumbi:
- i) azirikana uko bikwiye ibirebana no kurinda umutekano w'abakorewe ibyaha n'uw'abatangabuhamy;
  - ii) ntabangamira icyemezo na kimwe cyafashwe mu rubanza rwarangiye hashingiwe ku Ngingo ya 56 cyangwa iya 76 z'aya Mategeko, cyangwa ku Ngingo zisa n'izo zo mu Mategeko ya TPIY cyangwa ya TPIR, iyo urebwa n'icyo kibazo atabyemeye ku buryo bweruye; nta n'ubwo ashobora gutegeka ko hashyirwa ahagaragara inyandiko zatanzwe haseguriwe ibivugwa mu Ngingo ya 76 y'aya Mategeko cyangwa mu Ngingo zisa n'iyi zo mu Mategeko ya TPIY cyangwa ya TPIR; kandi
  - iii) ashobora gusaba ababuranyi mu rubanza rwarangiye cyangwa abandi bantu gutanga imyanzuro kuri icyo kibazo, iyo abona ko bikwiye kandi ari ngombwa.
- F) Ku birebana n'iyi Ngingo, iyo bavuga « abandi bantu », hashobora kuba hakubiyemo n'Igihugu cyangwa umuryango byasabye ko icyemezo gifatwa hashingiwe ku Ngingo ya 56 cyangwa iya 76 z'aya Mategeko, cyangwa ku Ngingo zisa n'izo zo mu Mategeko ya TPIY cyangwa ya TPIR, kimwe n'abakorewe ibyaha, abatangabuhamy cyangwa abantu bafitanye amasano cyangwa basangiye inyungu na bo.
- G) Umuburanyi cyangwa abandi bantu barebwa ku buryo butaziguye n'icyemezo cyafashwe hashingiwe ku gika C) cy'iyi Ngingo bashobora, mu gihe kitarenze ameze ane uhereye ku munsu icyo cyemezo cyafatiweho, gusaba Urugereko rw'Ubujurire kugisuzuma. Urugereko rw'Ubujurire rushobora gukurikiza ibivugwa mu Ngingo ya 134 iyo rusuzuma ibyifuzo byatanzwe hashingiwe kuri iyi Ngingo, ariko hahindutse ibigomba guhinduka.
- H) Gerefiye ashinzwe kurangiza icyemezo icyo ari cyo cyose gitegeka ko amadosiye ashirwa ahagaragara. Ashinzwe kandi ibikorwa byose birebana no gushyira ibimenyetso bya ngombwa ku madosiye yashyizwe ahagaragara kugira ngo agaragaze ko urwego rw'ibanga yari abitswemo rwahindutse, itariki yashyiriweho ahagaragara, n'uwategetse ko ayo madosiye ashirwa ahagaragara.