

**URWEGO MPUZAMAHANGA RWASHYIRIWEHO GUKORA IMIRIMO  
Y'INSIGARIRA Y'INKIKO MPANABYAH, ISHAMU RY'I LAHE**

**GEREZA Y'UMURYANGO W'ABIBUMBYE**

**(UNDU)**

**AMABWIRIZA NGENDERWAHO MU GUHA ABAFUNGWA INYANDIKO  
ZEREKERANYE N'IMANZA Z'UBUTEGETSI CYANGWA IZINDI MANZA  
ZITARI IZ'URWEGO MPUZAMAHANGA RWASHYIRIWEHO GUKORA  
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*Atanzwe na Komanda wa Gereza y'Umuryango w'Abibumbye*

*Tariki ya 22 Kanama 2024*

Ashingiye ku Ngingo ya 13 (2) y'Amategeko agenga ifungwa ry'abantu bategereje kuburanishwa na IRMCT mu rw'iremezo cyangwa mu bujurire, cyangwa bafunze ku Itegeko ry'urwo Rwego ("Amategeko agenga ifungwa"); no ku Ngingo ya 22 y'Amabwiriza yerekeranye n'igenzura ry'uko abafungwa basurwa n'uko bohereza cyangwa bakira ubutumwa ya IRMCT ("Amabwiriza yerekeranye n'igenzura"); kandi abigiyemo inama na Gerefiye wa IRMCT, Komanda wa Gereza y'Umuryango w'Abibumbye ("Komanda" na "UNDU", uko bikurikirana) mu Rwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y'Insigarira y'Inkiko Mpanabyaha ("IRMCT") atanze aya "Mabwiriza ngenderwaho mu guha abafungwa inyandiko zerekeranye n'imanza z'ubutegetsi cyangwa izindi manza zitari iz'Urwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y'Insigarira y'Inkiko Mpanabyaha" ("Amabwiriza").

**Ingingo rusange**

Guha abafungwa bo muri UNDU, ku ishami ry'i Lahe, inyandiko zerekeranye n'imanza z'ubutegetsi cyangwa izindi manza zitari iza IRMCT ni igikorwa cyo mu rwego rw'amategeko gikorwa hakurikijwe amategeko y'u Buholand. Mu buryo bune bukurikira bwo gutanga inyandiko kandi bwemewe n'amategeko y'u Buholand, uwohereza inyandiko ni we uhitamo ubwemewe n'amategeko y'igihugu cye kandi butuma agera ku cyo agamije.

1. Kuzitanga, nta gahato gashyizwe ku mufungwa, hifashishijwe uhagarariye igihugu cyangwa uhagarariye inyungu z'igihugu, iyo zerekeranye n'imanza z'ubutegetsi, iz'imbonezamubano n'iz'inshinjabyaha z'inkiko zitari izo mu Buholand;

2. Kuzitanga mu ibahaha ishinganye yohererezwa umufungwa, iyo zerekeranye n'imanza z'ubutegetsi, iz'imbonezamubano n'iz'inshinjabyaha z'inkiko zitari izo mu Buholandi;
3. Gusaba, mu buryo buteganyijwe, Urwego rw'u Buholandi rushinzwe ubufatanye mu by'ubutabera, ubufasha mu kuzitanga, iyo zerekeranye n'imanza z'inshinjabyaha z'inkiko zitari izo mu Buholandi; no
4. Kuzitanga hifashishijwe umuhesha w'inkiko, iyo zerekeranye n'imanza z'ubutegetsi n'iz'imbonezamubano z'inkiko zitari izo mu Buholandi n'yo zerekeranye n'imanza z'ubutegetsi, iz'imbonezamubano n'iz'inshinjabyaha z'inkiko zo mu Buholandi.

## 1.

**Gutanga inyandiko, nta gahato gashyizwe ku mufungwa, hifashishijwe uhagarariye igihugu cyangwa uhagarariye inyungu z'igihugu, iyo zerekeranye n'imanza z'ubutegetsi, z'imbonezamubano n'iz'inshinjabyaha z'inkiko zitari izo mu Buholandi**

(A) Uhagarariye igihugu cyangwa uhagarariye inyungu z'igihugu wifuza guha inyandiko umufungwa wo muri UNDU asaba Komanda wa Gereza uruhushya rwo kujya kureba uwo mufungwa hakurikijwe Amabwiriza yerekerye n'igenzura<sup>1</sup> kandi yohereza ubwo busabe kuri imeyiri ikurikira: [detentionunit@un.org](mailto:detectionunit@un.org). Iyo amaze guhabwa urwo ruhushya, uhagarariye igihugu cyangwa uhagarariye inyungu z'igihugu ashobora kwandikira UNDU kuri imeyiri imaze kuvugwa kugira ngo ahabwe umunsi n'isaha byo kujya kureba uwo mufungwa.

(B) Muri aya Mabwiriza ngenderwaho, amagambo “nta gahato gashyizwe ku mufungwa” agomba kumvikana nk’abuza uhagarariye igihugu cyangwa uhagarariye inyungu z'igihugu gusaba, kubwira, gutegeka cyangwa guhatira umufungwa, mu buryo ubwo ari bwo bwose, kwemera, gufungura, gusoma no/cyangwa kwemeza ko yakiriye ubwo butumwa cyangwa iyo nyandiko yohererejwe.

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<sup>1</sup> Reba Ingingo ya 17(E) y’Amabwiriza yerekerye n'igenzura.

(C) Umufungwa wo muri UNDU afite uburenganzira bwo kwanga kubonana n'umuntu, uwo ari we wese, uje kumureba n'iyo Komanda wa Gereza yaba yabitangiye uruhushya<sup>2</sup>.

(D) Iyo ubwo buryo buvuzwe haruguru butatuma uwohereje inyandiko abona gihamyko zakiriwe, kandi ari ngombwa ko abona iyo gihamyko, hakoreshwa bumwe mu bundi buryo butatu bwo gutanga inyandiko buteganywa n'aya Mabwiriza ngenderwaho.

## 2.

**Gutanga inyandiko hifashishijwe ibahasha ishinganye yohererezwa umufungwa, iyo zerekanye n'imanza z'ubutegetsi, iz'imbonezamubano n'iz'inshinjabyaha z'inkiko zitari izo mu Buholandi**

(A) Ibahasha ishinganye igenewe umufungwa yoherezwa kuri aderese ikurikira kandi igomba kugaragaza amazina y'uwo mufungwa:

P.I. Haaglanden  
Gereza y'Umuryango w'Abibumbye  
Pompstationsweg 32  
2597 JW, The Hague  
U Buholandi

(B) Mu Buholandi, ibikorwa byerekeranye no kugeza ibahasha ishinganye ku wo igenewe bikurikiza ibiteganywa n'amategeko y'u Buholandi (*Postwet*, 2009).

(C) Ibahasha ishinganye igezwa kuri Gereza ya Lahe ("Gereza ya Haaglanden"), ikakirwa n'umukozi ubifitiye ububasha w'iyo Gereza kandi byaba ngomba agasinyira ko ayakiriye. Uwo mukozi akora ibikenewe ngo umukozi wa UNDU atware iyo bahasha ishinganye maze hakorwe ibiteganywa n'Amategeko agenga ifungwa n'Amabwiriza yerekanye n'igenzura<sup>3</sup>, ari      ku      rubuga      rwa      interinete      rwa      IRMCT      (Reba <https://www.irmct.org/en/news/mechanism%20%99s-rules-detention-enter-force-and-detention-related-regulations-are-issued>). Umukozi wa UNDU ashikiriza umufungwa iyo bahasha ishinganye.

<sup>2</sup> Reba Ingingo ya 75 y'Amategeko agenga ifungwa.

<sup>3</sup> Reba Ingingo ya 6 n'iya 7 (A) z'Amabwiriza yerekanye n'igenzura

(D) Abakozi ba UNDU n'aba IRMCT ntibashobora gusaba, kubwira, gutegeka cyangwa guhatira umufungwa kwemera iyo bahasha ishinganye, kuyifungura cyangwa gusoma ibiyijemo. Byongeye kandi, abakozi ba UNDU n'aba IRMCT ntibashobora gusinyira ko bakiriye ibahasha ishinganye cyangwa indi nyandiko iyo ari yo yose cyangwa fomu itanzwe n'usaba/uwohereje iyo bahasha bagamije kwemeza ko bayakiriye cyangwa yashyikirijwe umufungwa. Bakora gusa ku buryo iyo bahasha ishinganye ihabwa umufungwa hubahirijwe Amategeko agenga ifungwa n'Amabwiriza akurikizwa. Hakurikijwe ibimaze kuvugwa, uwohereza inyandiko agomba kureba niba ubwo buryo bukurikizwa buhuye n'ibisabwa n'amategeko yo mu gihugu cye.

(E) Iyo hari impamvu zidasanzwe kandi ubisaba yazigaragaje abinyujije kuri detentionunit@un.org, IRMCT ishobora kwandikira uwohereje inyandiko ibaruwa isanzwe cyangwa ibaruwa yo mu rwego rwa diporomasi, igaragaza umunsi n'isaha umukozi wa UNDU yahereye umufungwa iyo bahasha ishinganye. Iyo ari ngombwa, IRMCT ishobora no koherereza uwohereje inyandiko ifoto y'yo bahasha ishinganye zajemo.

(F) Iyo uburyo buvuzwe haruguru budatuma uwohereje inyandiko abona gihama ko zakiriwe, kandi ari ngombwa ko abona iyo gihama, hakoreshwa bumwe mu bundi buryo butatu bwo gutanga inyandiko buteganywa n'aya Mabwiriza.

### 3.

**Gutanga inyandiko zerekanye n'imanza z'inshinjabyaha z'inkiko zitari izo mu  
Buholandi binyuze mu gusaba ubufasha, mu buryo buteganyijwe, Urwego rw'u  
Buholandi rushinzwe ubufatanye mu by'ubutabera**

(A) Gutanga inyandiko binyujijwe ku Rwego rw'u Buholandi rushinzwe ubufatanye mu by'ubutabera bikorwa hashingiwe ku masezerano y'ubufatanye mu by'ubutabera akurikizwa hagati y'u Buholandi n'igihugu cy'ubisaba.

(B) Urubuga rwa interinete rw'u Buholandi rukurikira ruriho amakuru arambuye ku byerekeranye n'ubufasha mu by'amategeko butangwa binyuze mu Rwego rushinzwe ubufatanye mu by'ubutabera ku birebana n'imanza z'inshinjabyaha no kohererezanya abantu bakurikiranyweho ibyaha (Afdeling Internationale Rechtshulp in Strafzaken – AIRS):  
<https://www.internationalerechtshulp.nl/service-english>.

**4.**

**Kwifashisha umuhesha w'inkiko mu gutanga inyandiko zerekanye n'imanza  
z'ubutegetsi n'izimbonezamubano z'inkiko zitari izo mu Buholand n'imanza  
z'ubutegetsi, iz'imbonezamubano n'iz'inshinjabyaha z'inkiko zo mu Buholand**

(A) Urubuga rwa interinete rukurikira, rw'Urugaga rw'abahesha b'inkiko bo mu Buholand (Koninklijke Beroepsorganisatie van Gerechtsdeurwaarders - KBvG), ruriho amakuru n'inama ku miterere y'urwego n'imikorere by'abahesha b'inkiko bemerewe kwakira no gutanga inyandiko ndetse no gukora ibikorwa bijyanye n'akazi kabo mu Buholand: <https://www.kbvg.nl/welcome-to-our-website>.

(B) Umuhesha w'inkiko wifuza gushyikiriza inyandiko umufungwa wo muri UNDU asaba Komanda wa Gereza uruhushya rwo kujya kureba uwo mufungwa<sup>4</sup> abinyujije kuri imeyiri ikurikira: detentionunit@un.org. Iyo amaze guhabwa urwo ruhushya, uwo muhesha w'inkiko ashobora kwandikira UNDU kuri imeyiri imaze kuvugwa kugira ngo bamuhe umunsi n'isaha byo kujya kureba umufungwa.

(C) Umufungwa wo muri UNDU afite uburenganzira bwo kwanga kubonana n'umuntu, uwo ari we wese, uje kumureba n'ijo Komanda wa Gereza yaba yabitangiye uruhushya<sup>5</sup>.

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<sup>4</sup> Reba Ingingo ya 17(E) y'Amabwiriza yerekanye n'igenzura.

<sup>5</sup> Reba Ingingo ya 75 y'Amategeko agenga ifungwa.