UMURYANGO W'ABIBUMBYE

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

Imanza N°:	MICT-14-77-ES.1 MICT-13-30-ES MICT-12-15-ES.1 MICT-16-100-ES
Itariki:	15 Ukwakira 2024
Umwimerere:	Icyongereza

PEREZIDA WA IRMCT

Umucamanza:	**Graciela Gatti Santana, Perezida**
Gerefiye:	**Abubacarr M. Tambadou**
Itariki:	**15 Ukwakira 2024**

POROKIRERI ABURANA N'ALOYS NTABAKUZE

POROKIRERI ABURANA NA JEAN-PAUL AKAYESU

POROKIRERI ABURANA N'ALFRED MUSEMA

POROKIRERI ABURANA NA ILDÉPHONSE NIZEYIMANA

INYANDIKO ITARI IBANGA

ITEGEKO RYO GUTANGA IMYANZURO

Avoka wunganira Aloys Ntabakuze

Sandrine Gaillot

Avoka wunganira Jean-Paul Akayesu na Ildéphonse Nizeyimana

John Philpot

Abavoka bunganira Alfred Musema

Steven Kay

Gillian Higgins

Reta ya Repubulika ya Benin

Byasemuwe kandi byemezwa na LSS/IRMCT

NJYEWE, **GRACIELA GATTI SANTANA**, Perezida w'Urwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y'Insigarira y'Inkiko Mpanabyaha ("Perezida" na "IRMCT", uko bikurikirana);

MAZE KUBONA KO, ku itariki ya 18 Ukuboza 2008, rushingiye ku Ngingo ya 6(3) ya Sitati ya TPIR, Urugereko rwa Mbere rw'Iremezo, I rw'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda ("TPIR") rwahamije Aloys Ntabakuze ("Ntabakuze") jenoside; ubuhotozi, itsembatsemba, itoteza n'ibindi bikorwa bibi birenze kameremuntu nk'ibyaha byibasiye inyokomuntu, n'ibikorwa byangiza ubuzima nk'ibikorwa binyuranyije bikomeye n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve hamwe n'Inyongera yayo ya II, maze rukamukatira igihano cy'igifungo cya burundu[1];

MAZE KUBONA KO, ku itariki ya 8 Gicurasi 2012, Urugereko rw'Ubujurire rwa TPIR rwasomye urubanza rukagumishaho, kuri bimwe, ibyemezo bihamya Ntabakuze ibyaha kandi rukamukatira igihano cy'igifungo cy'imyaka 35[2];

MAZE KUBONA KO Ntabakuze ubu arimo kurangiriza igihano cye muri Gereza y'Akpro-Missérété ("Gereza"), muri Repubulika ya Benin ("Benin")[3];

MAZE KUBONA KO, ku itariki ya 19 Kanama 2024, Gerefiye wa IRMCT ("Gerefiye") yamenyesheje ibyerekeranye n'igikorwa cyo gusaka no gufatira ibikoresho bya eregitoronike byari bifitwe n'abantu TPIR yahamije ibyaha barimo kurangiriza ibihano byabo muri iyo Gereza, barimo na Ntabakuze, cyabaye muri iyo Gereza ku itariki ya 16 Kanama 2024[4];

[1] *Urubanza Porokireri aburana n'Aloys Ntabakuze*, Nº ICTR-98-41A-T, Inyandiko y'urubanza mu rw'iremezo, 18 Ukuboza 2008, ibika 2160, 2188, 2196, 2215, 2226, 2247, 2258, 2278.
[2] *Urubanza Porokireri aburana n'Aloys Ntabakuze*, Nº ICTR-98-41A-A, Inyandiko y'urubanza mu bujurire, 8 Gicurasi 2012, ibika 313-317.
[3] Reba Itangazo rigenewe abanyamakuru rya TPIR: abandi bantu TPIR yahamije ibyaha bimuriwe muri Mali na Benin, aho bazarangiriza ibihano byabo, 3 Nyakanga 2012, https://unictr.irmct.org/en/news/more-ictr-convicts-transferred-mali-and-benin-serve-their-sentences. Reba n'*Urubanza Porokireri aburana n'Aloys Ntabakuze*, Nº ICTR-98-41A-T, Icyemezo ku irangizwa ry'igihano, 21 Kamena 2012, paje ya 2.
[4] Imeyiri Gerefiye yandikiye Perezida ku itariki ya 19 Kanama 2024. Reba n'Ibaruwa Umuyobozi wa Gereza y'Akpro-Missérété yandikiye Umuyobozi w'Urwego rushinzwe amagereza muri Benin yo ku itariki ya 18 Kanama 2024; Ibaruwa Minisitiri w'Ubutabera n'Amategeko wa Repubulika ya Benin yandikiye Perezida yo ku itariki ya 5 Nzeri 2024.

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MAZE KUBONA KO, ku itariki ya 28 Kanama 2024, Gerefiye yasabye abayobozi bo muri Benin kumusobanurira amabwiriza y'iyo Gereza ku byerekeranye no gutunga ibyo bikoresho byafatiriwe[5];

MAZE KUBONA KO Reta ya Benin itaratanga igisubizo;

MAZE KUBONA Ibyifuzo bitatu byatanzwe na Jean-Paul Akayesu, Alfred Musema na Ildéphonse Nizeyimana (bivugiwe hamwe byitwa "Ibyifuzo by'Akayesu, Musema na Nizeyimana"), aho basaba ko ntegeka: (i) Gerefiye gukora ku buryo abayobozi bo muri Benin babasubiza ibikoresho byabo byose byafatiriwe; cyangwa (ii) abayobozi bo muri Benin baramuka batabyubahirije ngategeka ko bahita bimurirwa mu kindi gihugu kirangirizwamo ibihano, nka Senegali, hamwe n'ibikoresho byabo byafatiriwe[6];

NIBUTSA Itegeko ryo ku itariki ya 8 Ukwakira 2024, aho, mu byo nategetse (i) nasabye Gerefiye gutanga, mu gihe kitarenze iminsi 14 ibarwa uhereye ku itariki ryatangiweho, imyanzuro ikubiyemo amakuru ku kibazo kivugwa mu Byifuzo by'Akayesu, Musema na Nizeyimana no ku cyo Ibiro bye byagikozeho hamwe n'ibisubizo byahawe n'abayobozi bo muri Benin; kandi (ii) nasabye Reta ya Benin gutanga, mu gihe kitarenze iminsi 21 ibarwa uhereye ku itariki igerejweho inyandiko isemuye y'iryo Tegeko n'inyandiko zisemuye z'Ibyifuzo bijyanye na ryo, imyanzuro yanditse ku kibazo kivugwa muri ibyo Byifuzo[7];

MAZE KUBONA Icyifuzo cyatanzwe na Ntabakuze, aho asaba ko ntegeka: (i) Gerefiye gukora ku buryo abayobozi bo muri Benin bashyiraho ingamba zo kubungabunga ibikoresho byafatiriwe; (ii) Gerefiye gukora ku buryo abayobozi bo muri Benin bamusubiza, "bidatinze", ibikoresho bye byose byafatiriwe; cyangwa (iii) abayobozi bo muri Benin baramuka batabyubahirije, ngategeka ko ahita

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[5] Ibaruwa yo mu kazi Gerefiye yandikiye Perezida yo ku itariki ya 25 Nzeri 2024 (Inyandiko y'ibanga), igika cya 5. Reba n'Ibaruwa yo mu kazi Perezida yandikiye Gerefiye yo ku itariki ya 3 Nzeri 2024 (Inyandiko y'ibanga), igika cya 6.

[6] *Urubanza Porokireri aburana na Jean-Paul Akayesu*, Nº MICT-13-30-ES, Icyifuzo cyihutirwa kigenewe Perezida, 2 Ukwakira 2024 (Inyandiko itari ibanga ifite Imigereka y'ibanga), ibika 20, 26, 31-32, paje ya 1116: nomero yashyizweho n'Ibiro bya Gerefiye; *Urubanza Porokireri aburana n'Alfred Musema*, Nº MICT-12-15-ES.1, Icyifuzo cyihutirwa kigenewe Perezida, cyerekeranye n'ifatirwa ry'ibikoresho bya eregitoronike by'abagororwa ba TPIR cyabaye muri Gereza y'Akpro-Missérété, muri Benin, 2 Ukwakira 2024, ibika 18-19, 21, 24, 29, 32-33; *Urubanza Porokireri aburana na Ildéphonse Nizeyimana*, Nº MICT-16-100-ES, Icyifuzo cyihutirwa kigenewe Perezida, 3 Ukwakira 2024 (Inyandiko itari ibanga ifite Imigereka y'ibanga), ibika 20, 26, 31-32, paje ya 64: nomero yashyizweho n'Ibiro bya Gerefiye.

[7] *Urubanza Porokireri aburana na Jean-Paul Akayesu*, Nº MICT-13-30-ES; *Urubanza Porokireri aburana n'Alfred Musema*, Nº MICT-12-15-ES; *Urubanza Porokireri aburana na Ildéphonse Nizeyimana*, Nº MICT-16-100-ES, Itegeko ryo gutanga imyanzuro, 8 Ukwakira 2024 ("Itegeko ryo ku itariki ya 8 Ukwakira 2024").

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yimurirwa mu kindi gihugu kirangirizwamo ibihano, nka Senegali, hamwe n'ibikoresho bye byafatiriwe[8];

MAZE KUBONA KO Ntabakuze avuga ko mu makuru ari mu bikoresho byafatiriwe harimo ay'ibanga arebwa n'ingamba zo kurinda umutekano w'abatangabuhamya hamwe n'inyandiko zifatwa nk'ibanga ry'akazi hagati y'avoka n'umuntu yunganira kandi ko ibyo bikoresho n'amakuru abirimo bishobora kwangirika biramutse bitabitswe neza[9];

NSHINGIYE KU Ngingo ya 3(2) y'Amasezerano yerekeranye n'irangizwa ry'ibihano[10], iteganya ko "uburyo abakatiwe bafungwamo bugengwa n'amategeko y'igihugu barangirizamo ibihano kandi bukagenzurwa na IRMCT";

NSHINGIYE KU Ngingo ya 25(2) ya Sitati ya IRMCT ("Sitati"), iteganya ko urwo Rwego rufite ububasha bwo kugenzura uburyo ibihano byatanzwe na TPIR, Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho Icyahoze ari Yugosilaviya cyangwa IRMCT birangizwa;

NSHINGIYE KU Ngingo ya 23(A) y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso ya IRMCT ("Amategeko") iteganya ko Perezida agenzura ibikorwa by'Ibiro bya Gerefiye w'urwo Rwego;

NSHINGIYE KANDI KU Ngingo ya 31(A) y'Amategeko iteganya ko, abiyobowemo na Perezida, Gerefiye ashinzwe imirimo y'ubuyobozi bwa IRMCT no guha serivise amashami yayo, akaba ari na we amakuru yinjira n'asohoka muri IRMCT anyuraho;

MAZE KUBONA KO, mu gusuzuma icyo Cyifuzo, byangirira akamaro kubona imyanzuro ya Gerefiye n'iya Reta ya Benin, nk'igihugu kirangirizwamo ibihano, ku kibazo kivugwa muri icyo Cyifuzo;

KUBERA IMPAMZU ZIMAZE KUVUGWA,

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[8]*Urubanza Porokireri aburana n'Aloys Ntabakuze*, Nº MICT-14-77-ES.1, Icyifuzo kitari ibanga, kigenewe Perezida, cyerekeranye n'ifatirwa ry'ibikoresho bya eregitoronike by'abagororwa ba TPIR muri Gereza y'Akpro-Missérété, muri Benin, no kuba bigiye gusenywa, 10 Ukwakira 2024, ("Icyifuzo"), igika cya 31, paje ya 9.

[9] Icyifuzo, ibika 9 -12.

[10] Amasezerano Umuryango w'Abibumbye wagiranye na Repubulika ya Benin yerekeranye n'irangizwa ry'ibihano byatanzwe n'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda cyangwa Urwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y'Insigarira y'Inkiko Mpanabyaha, 12 Gicurasi 2017 ("Amasezerano yerekeranye n'irangizwa ry'ibihano").

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NSHINGIYE KU Ngingo ya 25(2) ya Sitati no ku Ngingo ya 23(A) n'iya 31(A) z'Amategeko;

NTEGETSE Gerefiye:

(i) gushyira mu myanzuro azatanga hashingiwe ku Itegeko ryo ku itariki ya 8 Ukwakira 2024, amakuru yose yerekaranye n'ikibazo kivugwa muri icyo Cyifuzo;

(ii) guha Reta ya Benin inyandiko zisemuye z'icyo Cyifuzo n'Umugereka wacyo n'iri Tegeko;

NSABYE Reta ya Benin gushyira mu myanzuro yanditse izatanga, ishingiye ku Itegeko ryo ku itariki ya 8 Ukwakira 2024, amakuru yose yerekeranye n'ikibazo kivugwa muri icyo Cyifuzo;

NTEGETSE KO igihe ntarengwa cy'iminsi 21 Benin izatangamo imyanzuro yayo kizabarwa uhereye ku itariki izagerezwaho inyandiko zose zivugwa mu Itegeko ryo ku itariki ya 8 Ukwakira 2024 no muri iri Tegeko; kandi

NZAKOMEZA gusuzuma icyo Cyifuzo.

Bikozwe mu cyongereza no mu gifaransa ariko inyandiko yo mu cyongereza ni yo igenderwaho.

Bikozwe uyu munsi, tariki ya 15 Ukwakira 2024,
Arusha, muri Tanzaniya.

[**Umukono**]

Graciela Gatti Santana
Perezida

[Kashe ya IRMCT]

Byasemuwe kandi byemezwa na LSS/IRMCT