UMURYANGO W'ABIBUMBYE

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

MICT/3/Ihindurwa rya 4

1 Nyakanga 2024

Umwimerere: Icyongereza

AMABWIRIZA NGENGAMIKORERE MU GUSUZUMA IBYIFUZO, BY'ABANTU BAKATIWE NA TPIR, TPIY CYANGWA IRMCT, BISABA GUHABWA IMBABAZI, KUGABANYIRIZWA IGIHANO CYANGWA GUFUNGURWA MBERE Y'IGIHE

(MICT/3/Ihindurwa rya 4)

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INTANGIRIRO

1. Nshingiye ku Ngingo ya 23 (B) y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso y'Urwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y'Insigarira y'Inkiko Mpanabyaha ("Amategeko" na "IRMCT", uko bikurikirana); nshingiye ku Ngingo ya 26 ya Sitati ya IRMCT no ku Ngingo, kuva ku ya 149 kugera ku ya 151 z'Amategeko; nshingiye ku Mabwiriza ngengamikorere y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda ("TPIR") n'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho icyahoze ari Yugosilaviya ("TPIY")[1]; kandi maze kugisha inama Gerefiye na Porokireri, nshyizeho aya Mabwiriza ngengamikorere yahinduwe, kugira ngo hajyeho uburyo bukurikizwa mu gusuzuma ibyifuzo bisaba guhabwa imbabazi, kugabanyirizwa ibihano cyangwa gufungurwa mbere y'igihe ku bantu bakatiwe n'izo Nkiko cyangwa na IRMCT.

UBUSABE

2. Ijambo "Ubusabe" risobanura inyandiko zimenyesha zitanzwe n'igihugu hashingiwe ku Ngingo ya 26 ya Sitati, n'ubusabe butangwa ku buryo butaziguye nk'uko busobanurwa hepfo.

Inyandiko zimenyesha zitangwa n'igihugu

3. Iyo umugororwa yujuje ibisabwa ngo ahabwe imbabazi, agabanyirizwe igihano cyangwa afungurwe mbere y'igihe hashingiwe ku mategeko yo mu gihugu arimo kurangirizamo igihano ("Igihugu kirangirizwamo igihano"), icyo gihugu kibimenyesha IRMCT hashingiwe ku Ngingo ya 26 ya Sitati no ku masezerano cyagiranye n'Umuryango w'Abibumbye. Byongeye kandi, iyo bishoboka, icyo gihugu kibikora hasigaye nibura iminsi 45 ngo umugororwa abe yujuje ibisabwa.

[1] Amabwiriza ngengamikorere mu gusuzuma ibyifuzo bisaba guhabwa imbabazi, kugabanyirizwa igihano no gufungurwa mbere y'igihe ku bantu bakatiwe n'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda, 10 Gicurasi 2000; Amabwiriza ngengamikorere mu gusuzuma ibyifuzo bisaba guhabwa imbabazi, kugabanyirizwa igihano no gufungurwa mbere y'igihe ku bantu bakatiwe n'Urukiko Mpanabyaha Mpuzamahanga, IT/146/Ihindurwa rya 3, 16 Nzeri 2010.

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4. Nyuma yo kugezwaho iyo nyandiko itanzwe n'igihugu, imenyesha ko umugororwa yujuje ibisabwa, IRMCT iyibika, nk'inyandiko y'ibanga, mu nyandiko zerekeranye n'imanza. Mu rwego rwo gukora ku buryo inyandiko zose, zerekeranye n'imanza, ziba atari ibanga, uretse igihe hari impamvu zidasanzwe zituma zigirwa ibanga, IRMCT ibaza igihugu kirangirizwamo igihano niba hari impamvu kibona yatuma inyandiko y'ubwo busabe idahindurirwa urwego rw'umutekano maze ngo ikurwe mu rwego rw'inyandiko z'ibanga, cyangwa ko mu nyandiko zerekeranye n'imanza hashyirwamo inyandiko yabwo itari ibanga, yakuwemo ibigomba kugirwa ibanga.

Ubusabe butanzwe mu buryo butaziguye

5. Iyo umugororwa abona ko yujuje ibisabwa, ashobora kwandikira, ubwe, Perezida wa IRMCT, amusaba guhabwa imbabazi, kugabanyirizwa igihano cyangwa gufungurwa mbere y'igihe.

6. Kugira ngo hakorwe ku buryo inyandiko zose, zerekeranye n'imanza, ziba atari ibanga, uretse igihe hari impamvu zidasanzwe zituma izo nyandiko zigirwa ibanga, umugororwa wese, ufite avoka umwunganira, agomba gutanga ubusabe bwe mu buryo butaziguye, mu nyandiko itari ibanga, ishyirwa muri dosiye y'urubanza cyangwa akabutanga hamwe n'inyandiko yabwo, itari ibanga, yakuwemo ibigomba kugirwa ibanga. Umugororwa wese, udafite avoka umwunganira, ashobora gutanga ubusabe bwe mu buryo butaziguye, bugashyirwa muri dosiye y'urubanza cyangwa akabutanga abinyujije mu ibaruwa yandikira Perezida. Nyuma, Perezida asaba Ibiro bya Gerefiye gushyira, muri dosiye y'urubanza, inyandiko y'ubwo busabe itari ibanga cyangwa igatanganwa n'inyandiko yabwo itari ibanga, yakuwemo ibigomba kugirwa ibanga.

IBYO USABA AGOMBA KUBA YUJUJE

7. Ibyifuzo bisaba guhabwa imbabazi, kugabanyirizwa igihano cyangwa gufungurwa mbere y'igihe bishobora gutangwa igihe icyo ari cyo cyose**.**

8. Hatitawe ku biteganywa mu gika cya 7 cy'aya Mabwiriza ngengamikorere, umugororwa urimo kurangiza igihano yakatiwe yemerewe, muri rusange, gusaba gufungurwa mbere

y'igihe, iyo gusa arangije bibiri bya gatatu by'igihano yakatiwe na TPIR, TPIY cyangwa IRMCT.

GUTANGA AMAKURU NO KUYAKUSANYA

9. Iyo agejejweho ubusabe bw'umugororwa, Perezida ashobora, mu buryo butaziguye cyangwa abinyujije ku Biro bya Gerefiye, gukora ibintu bikurikira:

   a) iyo ubusabe bwatanzwe n'igihugu kirangirizwamo igihano, amenyesha uwo mugororwa ko icyo gihugu cyatanze ubwo busabe; kandi

   b) aha uwo mugororwa kopi y'aya Mabwiriza ngengamikorere, mu rurimi yumva, kandi akamumenyesha ibizakorwa kuri ubwo busabe.

10. Aho bikwiye, Perezida ashobora gukusanya, mu buryo butaziguye cyangwa abinyujije ku Biro bya Gerefiye, amakuru akurikira, yamufasha mu gufata icyemezo kuri ubwo busabe:

   a) amaraporo n'ibitekerezo by'abayobozi, babifitiye ububasha, bo mu gihugu kirangirizwamo igihano, ku myitwarire yaranze uwo mugororwa muri gereza n'ayerekeranye n'uburyo yari afunzemo, muri rusange.

   b) ibisubizo by'ibizamini umuganga yakoreye uwo mugororwa ku byerekeranye n'ubuzima bwe bwo mu mutwe muri icyo gihe cy'igifungo, harimo n'ibyerekeranye n'ibibazo bishobora guterwa no kumufungura, hamwe n'icyo uwo mugororwa avuga ku byerekeranye n'ibyaha yahamijwe no ku bantu bahohotewe mu ikorwa ryabyo;

   c) amaraporo y'abaganga, ayo ari yo yose, ku buzima bw'umubiri bw'uwo mugororwa, harimo n'ibyerekeranye no kumenya niba ashobora kurangiriza igihano cye muri icyo gihugu kirangirizwamo igihano;

   d) ahantu umugororwa ateganya gutura igihe yaramuka afunguwe mbere y'igihe;

   e) raporo irambuye y'Ibiro bya Porokireri ("Porokireri") ivuga ku bufatanye, ubwo ari bwo bwose, uwo mugororwa yagaragarije Porokireri wa TPIR, TPIY cyangwa IRMCT n'agaciro buhabwa, hamwe n'ibindi bitekerezo byose cyangwa amakuru Porokireri asanga byagira akamaro mu gufata icyemezo kuri ubwo busabe;

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f) niba, hashingiwe ku mategeko y'igihugu kirimo kurangirizwamo igihano, uwo muntu wakatiwe yujuje ibisabwa ngo ahabwe imbabazi, agabanyirizwe igihano cyangwa afungurwe mbere y'igihe; na

g) andi makuru yose Perezida abona ko ari ngombwa.

11. Ayo makuru asabwa atangwa mu gihe kitarenze iminsi 28, kandi, iyo bishoboka, agatangwa muri rumwe mu ndimi ebyiri zikoreshwa muri IRMCT.

URUHARE RW'UMUGORORWA KU MAKURU AMUTANGWAHO

12. Iyo amakuru yose asabwa hashingiwe ku biteganywa mu gika cya 10 cy'aya Mabwiriza ngengamikorere amaze kuboneka, Perezida ayamenyesha, mu buryo butaziguye cyangwa abinyujije ku Biro bya Gerefiye, umugororwa mu rurimi yumva. Perezida ashobora gufata icyemezo cyerekeranye no kuba umugororwa yamenyeshwa amakuru y'ibanga cyangwa hagakurikizwa urwego rw'umutekano wayo, uko bikwiye.

13. Amaze gushyikirizwa ayo makuru, yasabwe hashingiwe ku biteganywa mu gika cya 10 cy'aya Mabwiriza ngengamikorere, umugororwa ahabwa iminsi 14 kugira ngo asuzume ayo makuru. Nyuma y'icyo gihe ashobora gutanga igisubizo cyanditse, avuga icyo atekereza, icyo ari cyo cyose, kuri ayo makuru yatanzwe. Iyo Perezida asanga ari ngombwa, ashobora gufata icyemezo cyo kumva uwo mugororwa hifashishijwe ikoranabuhanga ry'amajwi n'amashusho cyangwa terefone.

IBIVUGWA N'ABANDI BANTU

14. Uretse amakuru, ayo ari yo yose, akusanywa hashingiwe ku biteganywa mu gika cya 10 cy'aya Mabwiriza ngengamikorere, Perezida ashobora gufata icyemezo cyo gusaba cyangwa kwakira amakuru atangwa n'abandi bantu.

15. Ayo makuru n'igisubizo icyo ari cyo cyose ntibigomba kurenza amagambo ibihumbi bitatu, uretse igihe Perezida yabitegeka ukundi.

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KUGISHA INAMA

16. Hashingiwe ku Ngingo ya 26 ya Sitati n'iya 150 y'Amategeko, abanje kugisha inama Abacamanza ba IRMCT, abo ari bo bose, bari mu bari bagize inteko y'Urugereko rwatanze icyo gihano, Perezida asuzuma niba gutanga imbabazi, kugabanya igihano cyangwa gufungura umugororwa mbere y'igihe bikwiye. Igihe nta n'umwe muri abo Bacamanza uri mu ba IRMCT, agisha inama nibura abandi Bacamanza babiri ba IRMCT. Uko byagenda kose, Perezida agomba kugisha inama abandi Bacamanza, nibura babiri, ba IRMCT.

17. Perezida yohererezа Abacamanza bagishwa inama amakopi y'amakuru yatanzwe n'igihugu kirangirizwamo igihano n'ayatanzwe na Porokireri, inyandiko ikubiyemo ibyo umugororwa avuga byerekeranye n'icyo kibazo n'ibitekerezo byatanzwe n'abandi bantu, hamwe n'andi makuru Perezida asanga ari ingirakamaro. Abacamanza bagishwa inama bahabwa igihe runaka cyo gusuzuma inyandiko bashyikirijwe no kugira icyo bazivugaho.

IBANGA RY'AMAKURU YATANZWE

18. Amakuru yose yashyikirijwe Perezida agirwa ibanga, keretse igihe atanze uruhushya rwo kuyamenyekanisha hagamijwe gutanga icyemezo kitari ibanga cyangwa igihe ayo makuru yatanzwe mu nyandiko itari ibanga. Amakuru yashyikirijwe Perezida, atari muri dosiye y'urubanza, ashobora gushyirwa muri dosiye iyo Perezida abitegetse.

ICYEMEZO

19. Ashingiye ku Ngingo ya 26 ya Sitati, Perezida afata icyemezo ashingiye ku nyungu z'ubutabera no ku mahame rusange yo mu rwego rw'amategeko, azirikana ibigenderwaho biteganywa n'Ingingo ya 151 y'Amategeko n'andi makuru yose afite akamaro ndetse no ku bitekerezo by'Abacamanza bagishijwe inama hashingiwe ku Ngingo ya 150 y'Amategeko, maze agafata umwanzuro uvuga niba uwo mugororwa agomba guhabwa imbabazi, kugabanyirizwa igihano cyangwa gufungurwa mbere y'igihe.

20. Gufungurwa mbere y'igihe bishobora kwemerwa habanje kugira ibisabwa kubahirizwa.

21. Perezida atanga icyemezo vuba bishoboka. Iyo byihutirwa cyane, Perezida ashobora kutubahiriza inzira ziteganywa n'aya Mabwiriza ngengamikorere iyo ari ngombwa kugira

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ngo akemure icyo kibazo cyihutirwa, kwihutisha igikorwa cyo kugisha inama abandi Bacamanza kandi, byaba ngombwa, agatanga umwanzuro yafashe maze impamvu yashingiyeho afata uwo mwanzuro akazazitanga nyuma.

22. Uretse igihe Perezida abitegetse ukundi, icyo cyemezo kigirwa inyandiko itari ibanga.

23. Iyo, hashingiwe ku mategeko yacyo cyangwa ku yindi mpamvu, iyo ari yo yose, igihugu kirangirizwamo igihano kitemeye icyemezo cya Perezida cyanga gutanga imbabazi, kugabanya igihano cyangwa gufungura umugororwa mbere y'igihe, icyo gihugu kigomba kubimenyesha IRMCT. Perezida ashobora, amaze kugisha inama Gerefiye, gufata icyemezo cyo kwimurira umugororwa mu kindi gihugu kugira ngo arangirizeyo igice gisigaye cy'igihano cye.

24. Icyo cyemezo cya Perezida kiba ari ndakuka, bityo ntikijuririrwa.

ISHYIRWA MU BIKORWA RY'ICYEMEZO

25. Gerefiye ahita yohererezа abayobozi bireba mu gihugu kirangirizwamo igihano icyo cyemezo cya Perezida. Bashingiye ku masezerano icyo gihugu cyagiranye n'Umuryango w'Abibumbye, abo bayobozi bahita bagishyira mu bikorwa. Umugororwa na we ahabwa kopi yacyo.

26. Iyo bikwiye kandi bitegetswe na Perezida, Ibiro bya Gerefiye bikora uko bishoboye kose, bikamenyesha abantu batanze ubuhamya muri urwo rubanza mu Rukiko rwamukatiye icyo gihano cyangwa muri IRMCT, iby'ifungurwa ry'uwo mugororwa ndetse bikabaha n'andi makuru, ayo ari yo yose, Perezida abona ko bakeneye kumenya.

Bikozwe uyu munsi, tariki ya 1 Nyakanga 2024 — **[Umukono]**

I Lahe — **Graciela Gatti Santana**

Mu Buholandi — **Perezida**

[Kashe ya IRMCT]

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