

**UMURYANGO
W'ABIBUMBYE**



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

Urubanza N°: MICT-22-124

Itariki: 19 Ukuboza 2022

Umwimerere: Icyongereza

PEREZIDA WA IRMCT

Umucamanza: Graciela Gatti Santana, Perezida
Gerefiye: Abubacarr M. Tambadou
Itariki: 19 Ukuboza 2022

URUBANZA RWA

**FRANÇOIS-XAVIER NZUWONEMEYE
PROSPER MUGIRANEZA
PROTAIS ZIGIRANYIRAZO
ANATOLE NSENGIYUMVA
ALPHONSE NTEZIRYAYO
ANDRÉ NTAGERURA
THARCISSE MUVUNYI
INNOCENT SAGAHUTU**

INYANDIKO ITARI IBANGA

ANDI MABWIRIZA AGENEWE GEREFIYE

Abavoka bunganira abantu bimuriwe muri Nijeri

Peter Robinson wunganira François-Xavier Nzuwonemeye
Kate Gibson wunganira Prosper Mugiraneza
John Philpot wunganira Protais Zigiranyirazo
Allison Turner wunganira Anatole Nsengiyumva
Iain Edwards wunganira Alphonse Nteziryayo
Barbara van Straaten wunganira André Ntagerura
Abbe Jolles wunganira Tharcisse Muvunyi
Jean Flamme wunganira Innocent Sagahutu

NJYEWE, GRACIELA GATTI SANTANA, Perezida w’Urwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y’Insigarira y’Inkiko Mpanabyaha (“Perezida” na “IRMCT”, uko bikurikirana);

NSHINGIYE KU “Masezerano Reta ya Repubulika ya Nijeri yagiranye n’Umuryango w’Abibumbye yerekeranye no kwimurira muri Nijeri abantu bafunguwe cyangwa Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda cyangwa Urwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y’Insigarira y’Inkiko Mpanabyaha byemeje ko ari abere”, 15 Ugushyngiye 2021 (Amasezerano);

MAZE KUBONA KO, nyuma yo gushyira umukono kuri ayo Masezerano, abantu Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda rwemeje ko ari abere cyangwa barangije ibihano byabo bimuriwe ku butaka bwa Repubulika ya Nijeri (“Abantu bimuriwe muri Nijeri” na “Nijeri”, uko bikurikirana)¹;

MAZE KUBONA KO, ku itariki ya 27 Ukuboza 2021, abayobozi bo muri Nijeri batanze itegeko risaba Abantu bimuriwe muri Nijeri kuva ku butaka bw’icyo gihugu mu gihe kitarenze iminsi irindwi, bakabambura ibyangombwa bibaranga kandi “bakabafungisha ijisho”²;

MAZE KUBONA KO, ku itariki ya 30 Ukuboza 2021, mu byo Perezida wambanjirije yategetse Gerefiye wa IRMCT (“Gerefiye”) harimo no kujya amuha amakuru mashya yerekeranye n’icyo kibazo uko agenda aboneka, harimo no kubikora abinyujije mu nyandiko zitari ibanga hashingiwe ku Ngingo ya 31(B) y’Amategeko Agenga Imiburanishirize n’Itangwa ry’Ibimenyetso (“Amategeko”) nk’uko bikwiye (“Amabwiriza yo mu mwaka wa 2021”)³;

MAZE KUBONA KO, ku itariki ya 7 Gashyantare 2022, Umucamanza w’izamu ku Ishami rya IRMCT ry’Arusha (“Umucamanza w’izamu”) yategetse Gerefiye gufata ingamba zose za ngombwa kugira ngo Abantu bimuriwe muri Nijeri babe bagaruwe ku Ishami rya IRMCT ry’Arusha, by’igihe gito, kugera igihe bazimurirwa mu kindi gihugu⁴;

¹ Reba icyemezo, ku Byifuzo byerekeranye n’Amasezerano Nijeri yagiranye n’Umuryango w’Abibumbye yerekeranye no kwimurira abantu muri Nijeri, n’Itegeko ryo kohereza Abantu bimuriwe muri icyo gihugu ku Ishami ry’Arusha, 7 Gashyantare 2022 (“Icyemezo cyo ku itariki ya 7 Gashyantare 2022”), igika cya 2.

² icyemezo cyo ku itariki ya 7 Gashyantare 2022, igika cya 4.

³ Urubanza rwa François-Xavier Nzuwonemeye na bagenzi be, N° MICT-13-43, MICT-14-75 na MICT-12-27, Amabwiriza agenewe Gerefiye, 30 Ukuboza 2021, paje ya 2.

⁴ icyemezo cyo ku itariki ya 7 Gashyantare 2022, ibika 29-30.

MAZE KUBONA KO, ku itariki ya 8 Werurwe 2022, Repubulika Yunze Ubumwe ya Tanzaniya imaze kumenyesha IRMCT ko idashobora gufasha Abantu bimuriwe muri Nijeri kugaruka ku butaka bwayo⁵, Umucamanza w’izamu yasanze gutanga irindi tegeko atari byo byatuma icyo kibazo gikemuka kandi “ibikorwa bya Gerefiye, bigenzurwa na Perezida, byo mu rwego rwa poritike, diporomasi n’ubuyobozi ari bwo buryo bw’ibanze bwo kugerageza gukemura icyo kibazo”⁶;

MAZE KUBONA KO, ku itariki ya 27 Gicurasi 2022, mu byo Urugereko rw’Ubujurire rwakoze harimo: (i) kutemera ubujurire bw’Abantu bimuriwe muri Nijeri ku Cyemezo cyo ku itariki ya 8 Werurwe 2022⁷; (ii) gusaba Umuryango w’Abibumbye “gukomeza ibikorwa byawo bigamije gukemura icyo kibazo cyerekeranye n’Abantu bimuriwe muri Nijeri”⁸; no (iii) gusobanura neza ko “n’ubwo IRMCT idakomeza kugira inshingano zo kwita ubuziraherezo ku bantu byemejwe ko ari abere cyangwa bafunguwe iyo bamaze kwimurirwa mu kindi gihugu, IRMCT ikomeje izo nshingano kubera impamvu zihariye zijyanye n’imiterere y’iki kibazo, aho bigaragara ko igikorwa cyo kwimura abo bantu kitagenze neza nk’uko biteganywa n’Amasezerano [...]”⁹;

MAZE KUBONA KO, ku itariki ya 22 Kamena 2022, mu byo Inama Ishinzwe Amahoro ku Isi y’Umuryango w’Abibumbye yakoze harimo kugaragaza impungenge ko “n’ubwo hari Amasezerano yari yashyizweho umukono mbere, IRMCT ikomeje guhura n’ibibazo byerekeranye no kwimurira muri Nijeri abantu byemejwe ko ari abere n’abakatiwe bakaba bararangije ibihano byabo”, gushimangira “akamaro ko gushakira ibyo bibazo ibisubizo byihuse kandi birambye, birimo n’ibifasha inzira yo kugera ku bwiye”, kongera “guhamagarira ibihugu byose gufatanya na IRMCT no kuyiha ubufasha bwose ikeneye”, no kwibutsa ko “mu bigomba kwitabwaho, igihe hafatwa ibyemezo byerekeranye no kwimurira mu kindi gihugu abantu byemejwe ko ari abere cyangwa barangije ibihano byabo, harimo no kureba niba igihugu bakomokamo cyiteguye kubakira, niba abo bantu bemera cyangwa barwanya kwimurirwa mu kindi gihugu ndetse niba hari ibindi bihugu bashobora kwimurirwamo”¹⁰;

⁵ Reba ikindi Cyemezo cyerekeranye n’abantu bimuriwe muri Nijeri, 8 Werurwe 2022 (“Icyemezo cyo ku itariki ya 8 Werurwe 2022”), paje ya 2.

⁶ Icyemezo cyo ku itariki ya 8 Werurwe 2022, paje ya 4.

⁷ Icyemezo ku Cyifuzo gisaba uruhushya rwo kujuririra Icyemezo cyo ku itariki ya 8 Werurwe 2022, ku gisaba Urugereko gusubira mu Cyemezo cyo ku itariki ya 15 Werurwe 2022 no ku gisaba kwemererwa kuza mu Rukiko nk’Incuti y’Urukiko, 27 Gicurasi 2022 (“Icyemezo cyo ku itariki ya 27 Gicurasi 2022”), ibika 1, 48.

⁸ Icyemezo cyo ku itariki ya 27 Gicurasi 2022, igika cya 48.

⁹ Icyemezo cyo ku itariki ya 27 Gicurasi 2022, igika cya 24.

¹⁰ Icyemezo cya 2637 (2022) cy’Inama Ishinzwe Amahoro ku Isi, 22 Kamena 2022, ibika 4-5.

MAZE KUBONA KO iki kibazo, kidashobora kwihanganirwa, Gerefiye arimo kugishakira igisubizo kirambye¹¹;

MAZE KUBONA ARIKO KO, guhera ku itariki ya 27 Ukuboza 2021, Abantu bimuriwe muri Nijeri mu by'ukuri bafungishijwe ijisho, n'ubwo nta tegeko ririho ribafunga;

MAZE KUBONA KO, kubera iki kibazo kidasanzwe, Abantu bimuriwe muri Nijeri bakwiye kumenyeshwa ibyakozwe kandi bikomeje gukorwa mu rwego rwo gushaka igisubizo kirambye kandi cyihuse mu buryo bwose bushoboka;

MAZE KUBONA KANDI KO, kugira ngo Abantu bimuriwe muri Nijeri babashe kugaragaza, mu buryo bukwiye, niba bemera cyangwa barwanya igisubizo icyo ari cyo cyose kirimo kugeragezwa, bagomba kumenyeshwa amakuru yose ashoboka, bitewe n'uko ibintu bimeze;

MAZE KUBONA KANDI KO n'ubwo umwaka ushize hari amakuru mashya Gerefiye yangejejeho kandi akanayaha Perezida wambanjirije, yashyize gusa muri dosiye y'urubanza amakuru amwe yatanze ku itariki ya 4 Mutarama 2022, hashingiwe ku Mabwiriza yo mu mwaka wa 2021, kandi ko ayo makuru atamenyeshwe Abantu bimuriwe muri Nijeri kubera ko yatanze mu Nyandiko y'ibanga kandi ifite abo itagomba kumenyeshwa¹²;

NSHINGIYE KU Ngingo ya 23(A) n'ya 31(A) z'Amategeko ziteganyaga ko Perezida ayobora Gerefiye mu bikorwa bye kandi akanabigenzura;

NSHINGIYE KU Ngingo ya 23(A) n'ya 31(A) z'Amategeko;

NTEGETSE Gerefiye:

- i. gukomeza ibikorwa bigamije gushakira igisubizo kirambye icyo kibazo cy'Abantu bimuriwe muri Nijeri, nk'uko bivugwa mu gika cya 4 n'icya 5 by'Icyemezo cya 2637 (2022) cy'Inama Ishinzwe Amahoro ku Isi;

¹¹ Reba Imyanzuro ya Gerefiye ku "Cyifuzo cya Nzuwonemeye gisaba ko hatangwa itegeko ryo kumwimurira ku cyicaro cya IRMCT" cyo ku itariki ya 4 Nyakanga 2022, 2 Kanama 2022, igika cya 16.

¹² Urubanza rwa François-Xavier Nzuwonemeye na bagenzi be, N° MICT-13-43, MICT-14-75 na MICT-12-27, Imyanzuro ya Gerefiye ishingiyeye ku "Mabwiriza agenewe Gerefiye" yo ku itariki ya 30 Ukuboza 2021, 4 Mutarama 2022 (Inyandiko y'ibanga kandi ifite abo itagomba kumenyeshwa). Reba n'Icyemezo cyo ku itariki ya 7 Gashyantare 2022, igika cya 9.

- ii. gushyira muri dosiye y'urubanza, bitarenze ku itariki ya 4 Mutarama 2023, incamake, iri mu nyandiko y'ibanga¹³, igaragaza ibikorwa we n'Ibiro bye bakoze mu mwaka wa 2022 mu rwego rwo gushakira igisubizo ikibazo cy'Abantu bimuriwe muri Nijeri;
- iii. gushyira muri dosiye y'urubanza, nyuma ya buri minsi 60 uhereye icyo gihe, amaraporo, akubiye mu nyandiko z'ibanga¹⁴, yerekeranye n'ibikorwa bye bigamije gushakira igisubizo ikibazo cy'Abantu bimuriwe muri Nijeri hashingiwe ku nshingano za IRMCT zo kubitaho; no
- iv. gushyikiriza abayobozi bo muri Nijeri kopi y'aya Mabwiriza.

Bikozwe mu cyongereza no mu gifaransa ariko inyandiko y'icyongereza ni yo igenderwaho.

Bikozwe uyu muni, tariki ya 19 Ukuboza 2022,
Arusha, muri Tanzaniya.

[Umukono]

Graciela Gatti Santana
Perezida

[Kashe ya IRMCT]

¹³ Gerefiye aramutse asanze hari amakuru akwiye kwitonderwa cyane ku buryo atamenyeshwa Abantu bimuriwe muri Nijeri, ashobora kuyomeka kuri iyo ncamake mu Mugereka w'ibanga kandi ufite abo utagomba kumenyeshwa.

¹⁴ Gerefiye aramutse asanze hari amakuru akwiye kwitonderwa cyane ku buryo atamenyeshwa Abantu bimuriwe muri Nijeri, ashobora kuyomeka kuri ayo maraporo mu Mugereka w'ibanga kandi ufite abo utagomba kumenyeshwa.