ITANGAZO RIGENEWE ABANYAMAKURU

UBURYO IMANZA ZIREBANA NA JENOSIDE YAKOREWE ABATUTSI MU RWANDA ZIZACIBWA NYUMA Y'ISOZWA RY'INKIKO GACACA.

I. IBISOBANURO RUSANGE

Inkiko Gacaca zashyizweho n'Itegeko Nshinga rya Repubulika y'u Rwanda, zihabwa inshingano zo kuburanisha imanza zirebana n'icyaha cya jenoside ndetse n'ibindi byaha byibasiye inyoko muntu.

Izi nkiko, inshingano zahawe zasojwe ku itariki ya 18/06/2012. Nyuma y'isozwa ry'Inkiko Gacaca icyaha cya Jenoside n'ibindi byaha byibasiye inyoko muntu bizakomeza gukurikiranwa n'izindi nkiko zisanzwe mu Rwanda.

Amategeko ateganya ko icyaha cya jenoside n'ibindi byaha byibasiye inyoko muntu ari ibyaha bidasaza. Ni muri urwo rwego ibyaha bizagenda bigaragara ko bitaburanishijwe nyuma y'isozwa ry'Inkiko Gacaca, bigomba kuzakurikiranwa bikaburanishwa.

Inkiko Gacaca zari zifite amategeko yihariye, imikorere yihariye ndetse n'ibihano byihariye. Ibyo byose byavuyeho, kuko ubu hazajya hakurikizwa amategeko asanzweho mu ikurikirana n'ihanwa ry'ibyaha bya jenoside n'ibindi byaha byibasiye inyokomuntu, by'umwihariko hazakurikizwa ibihano biteganywa mu gitabo cy'amategeko ahana cyashyizweho n'Itegeko Ngenga n° 01/2012/OL ryo ku wa 02/05/2012, hanakurikizwe n'andi mategeko agenga imiburanishirize y'imanza mu Rwanda.

Mu Itegeko Ngenga N° 04/2012/OL ryo ku wa 15/06/2012 rikuraho Inkiko Gacaca rikanagena uburyo bwo gukemura ibibazo byari mu bubasha bwazo, hagaragaramo uburyo ibyaha byari bisanzwe biri mu bubasha bw'Inkiko Gacaca byazagaragara nyuma bizajya bikemurwa. Harimo bimwe bizaburanishwa ku rwego rwa mbere n'Inkiko z'Ibanze n' ibindi bizaburanishwa n'inkiko zisumbuye. Ku byaha byakozwe n'abari abasirikare ndetse n'abari abajandarume mu gihe cya Jenoside yakorewe Abatutsi bizaburanishwa ku rwego rwa mbere n' Inkiko za gisirikare.

II. IMANZA ZEREKEYE IMITUNGO

Imitungo yasahuwe ndetse n'iyononwe mu gihe cya jenoside, Komite z'abunzi nizo zizabikemura.

III. IBIJYANYE N'IRANGIZA RY'IMANZA

Ku bibazo byerekeranye n'irangiza ry'imanza zaciwe n'Inkiko Gacaca, byaba ibyerekeranye na TIG, guteza cyamunara, kwishyura imitungo n'ibindi, Itegeko riteganya uburyo ibyo bibazo bizarangizwa. Gusa, mbere yo gushyirwa mu bikorwa, ibyemezo byafashwe n'Inkiko Gacaca byerekeranye n'imitungo bigomba kubanza guterwaho kashe mpuruza n'urukiko rw'ibanze rwo mu ifasi y'aho urubanza rwabereye, bimaze kwemezwa n'umunyamabanga nshingwabikorwa w'akagari k'aho urubanza rwabereye.

IV. ISUBIRISHAMO RY'IMANZA

Itegeko ryemera kandi ko imanza zari zaraciwe n'Inkiko Gacaca zishobora kuba zasubirwamo ariko mu bihe bikomeye kandi byihariye. Urugero ni nko mu gihe umuntu yaciriwe urubanza atari mu gihugu kandi nyamara ataragiye atorotse ubutabera; cyangwa mu gihe umuntu yaba yarahamijwe ko yishe umuntu ariko nyuma bikagaragara ko wa muntu akiriho, n'ibindi.

V. IBYICIRO BY'IMANZA ZACIWE N'INKIKO GACACA

a) Ibyiciro bisanzwe byari mu Nkiko Gacaca byagiye bigabanywa mu bubasha mu nkiko zisanzwe. Nko mu bakoze ibyaha cyangwa ibikorwa by'ubufatanya cyaha bibashyira mu bacuze umugambi, mu bateguye umugambi wo gukora jenoside, abashishikarije abandi cyangwa abayoboye jenoside n'ibindi byaha byibasiye inyoko muntu n'ibyitso byabo, kimwe n'abandi bantu bakoze ibikorwa bigize icyaha cya jenoside n'ibindi byaha byibasiye inyoko muntu, byakozwe n'umuntu wari icyo gihe mu nzego z'ubuyobozi ku rwego rw'Igihugu no ku rwego rwa Perefegitura n'ibyitso byabo, abo bantu bari basanzwe baburanishwa n'Inkiko Gacaca ari ko ubu ngubu bazajya baburanishwa ku rwego rwa mbere n'Urukiko Rwisumbuye.

b) Hari na none abantu bari mu cyiciro cy'abakoze ibikorwa bigize icyaha cya jenoside n'ibindi byaha byibasiye inyokomuntu byakozwe kuva ku itariki ya 01 Ukwakira 1990 kugeza ku ya 31 Ukuboza 1994 bakaba bari bari mu

nzego z'ubuyobozi ku rwego rwa Perefegitura cyangwa ku rwego rwa Komini, bakaba bari mu nzego z'ubutegetsi bwite bwa Leta, mu mashyaka ya Politiki, muri Polisi ya Komini, mu madini cyangwa se mu mitwe yitwara gisirikare mu buryo butemewe n'amategeko, bazajya baburanishwa ku rwego rwa mbere n'Urukiko rw'Ibanze.

c) Abantu bakurikiranyweho ibyaha byo gusambanya abandi ku gahato no kwangiza imyanya ndangagitsina, abantu bakurikiranyweho ubwicanyi, ibikorwa by'iyicarubozo, ibikorwa by'ubushinyaguzi ku mirambo, ibikorwa byo kugirira nabi abandi bikabaviramo urupfu, ibikorwa byo gukomeretsa umuntu cyangwa kumugirira nabi bikabije hagambiriwe kumwica kabone n'ubwo umugambi wo kwica utagezweho ndetse n'ibindi byaha byakorewe abantu bitagambiriye kubica, ibyo byaha byari bisanzwe biburanishwa n'Inkiko Gacaca ubu nabyo bizajya biburanishwa ku rwego rwa mbere n'inkiko z'ibanze.

d) Ku bijyanye n'icyiciro cy'abasahuye imitungo y'abandi cyari gisanzwe kiburanishwa n'Inkiko Gacaca, ubu kizajya kiburanishwa na Komite z'abunzi. Twibutse ko n'abari abasirikare cyangwa abajandarume igihe bakoraga ibyaha byerekeye ku mitungo nabo bazaburanishwa na Komite z'Abunzi.

VI. ABATARABONA INDISHYI KU MITUNGO

a) Abantu bafite amarangiza rubanza Itegeko Ngenga ribasaba ko babanza guteza kashe mpuruza mu Rukiko rw'Ibanze rwo mu ifasi urubanza rwabereyemo, ariko kashe mpuruza nayo igashingira kuri raporo cyangwa ku nyandiko iba yakozwe n'Umunyamabanga Nshingwabikorwa w'Akagari k'aho Urukiko Gacaca rwaciye urwo rubanza rwakoreraga, bagahera kuri iyo kashe mpuruza no kuri iyo raporo, umuntu akabona gukurikirana cyangwa kwishyurwa imitungo ye. Ariko aha ni igihe ugomba kwishyura ashaka kwishyura ku neza.

b) Ku muntu wanze kwishyura ku neza kandi afite ibyo agomba kwishyura hateganyijwe, nk'uko bigenda n'ahandi, uburyo bwo guteza cyamunara. Muri iryo Tegeko Ngenga kandi hanateganyijwe uburyo bwo gukemura impaka zavuka mu marangiza rubanza cyangwa se mu byemezo by'Inkiko Gacaca byerekeye imitungo.

c) Urukiko rw'Ibanze rwateyeho kashe mpuruza ni rwo rukiko rufite ububasha bwo gukemura impaka zavuka mu irangiza ry'urubanza rwerekeye imitungo

yasahuwe cyangwa se yangijwe muri jenoside yakorewe abatutsi mu Rwanda.

Bikorewe i Kigali, ku wa ..0.6..NOV..2012

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