# IPEREREZA N'IKURIKIRANACYAHA KU BAKOZE GENOCIDE

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**Repubulika y'u Rwanda**

# IRIBURIRO

**. Nkuko twese tubizi Jenoside yakorewe Abatutsi mu Rwanda yahitanye ubuzima bw'abantu 1.074.017 .**[1]

- Nyuma ya Jenoside, abantu barenga ibihumbi ijana na makumyabiri(120.000) bari bafunzwe by'agateganyo kubera icyaha cya Jenoside n'ibindi byaha byibasiye inyoko muntu. Bari bategereje kuburanishwa, nyamara urwego rw'ubutabera rwari rwarasenyutse bikomeye. Abari barugize bamwe barishwe, abandi barishe ndetse abenshi muri bo bahungira hanze y'u Rwanda.
- Icyo cyari ikibazo cy'ingorabahizi, kuko umubare w'imfungwa wakomezaga kwiyongera cyane.

- Mu bibazo byarebanaga n'imanza za Jenoside, hari ikintu cy'ingenzi cyaburaga, ari cyo itegeko ryagombaga gushingirwaho mu gukurikirana no gucira imanza abantu bakekwaga ko bagize uruhare muri Jenoside n'ibindi byaha byibasiye inyoko muntu.

- Muri 1996 Guverinoma y'u Rwanda yashyizeho Itegeko Ngenga n°08/96 ryo ku wa 30 Kanama 1996 rigena imitunganyirize y'ikurikirana ry'ibikorwa bigize icyaha cya Jenoside n'ibyaha byibasiye inyoko muntu byakozwe kuva tariki ya 1 Ukwakira 1990, nk'igisubizo cyo kuri iyo mbogamizi yatumaga imbere mu gihugu bidashoboka gukurikirana abakoze Jenoside.

  - Hashyizweho mu Nkiko za Mbere z'Iremezo Ingereko zihariye zo gukurikirana no gucira imanza abakoze ibyaha bigize icyaha cya Jenoside n'ibyaha byibasiye inyokomuntu.

  - Cyakora, umuvuduko w'amaburanisha ntiwari ushimishije. Kugeza ku itariki ya 32 Ukuboza 2002, abantu 8,363 gusa ni bo bari bamaze kuburanishwa ku cyaha cya Jenoside n'ibindi byaha byibasiye inyoko muntu nabwo hakoreshejwe uburyo bwo kuburanisha amatsinda y'abaregwa(dossiers groupes). Hakurikijwe rero umubare w'abari

[1]An official report released by the Rwandan Ministry of local Administration reported 1.074.017 dead after a census conducted in July 2000; see Fondation Hirondelle News Agency in Arusha. International Criminal Tribunal for Rwanda, News of 08 February 2002. Available online at http://www.hirondelle.org [accessed on 13th April 2014].

bakurikiranywe navuze haruguru, byari kuzasaba imyaka irenga ijana ngo abakurikiranwaga baburanishwe.

## Ishyirwaho ry' Inkiko Gacaca

- Mu mwaka wa 2001, Guverinoma y'u Rwanda yashyizeho Itegeko Ngenga n° 40/2000 ryo ku wa 26 Mutarama 2001 rigena imiterere, imikorere n'ububasha by'Inkiko Gacaca zishinzwe gukurikirana no gucira imanza abakoze ibyaha bya Jenoside n'ibindi byaha byibasiye inyoko muntu byakozwe hagati y'itariki ya mbere Ukwakira 1990 n'iya 31 Ukuboza 1994 ryagiye rihundurwa kandi ryuzuzwa. Izi nkiko Gacaca zasoje imirimo yazo muri 2012 ziciriye imanza abantu barenga 1,980,000 ariko abenshi muribo ari abashyize mubikorwa umugambi bo batateguye kuko ba nyirawo bari barahungiye hanze y' u Rwanda.

## Ishyirwaho ry' Urukiko Mpuzamahanga Mpanabyaha rwashyiriweho u Rwanda (ICTR)

- Mu mwaka w'1995 uru rukiko nibwo rwashyizweho na Resolution ya UN 955, mu nshingano zarwo za mbere harimo gucira imanza bariya bateguye umugambi wo gukora Jenoside bagahungira hanze y' Rwanda.
- Ubwo uru rukiko rwahagarika gahunda yo gukomeza kuburanisha mu kwezi kwa cumi na kumwe(November)/2014, rwari rumaze gucira imanza abantu 75 gusa.

## Ubushinjacyaha Bukuru bw'u Rwanda mu Gukurikirana abakoze Jenoside bahunze igihugu n'ingorane buhura nazo:

## Gushyiraho mu Bushinjacyaha Bukuru Ishami rishinzwe gukurikirana abakekwaho gukora Jenoside bari hanze y'igihugu (GFTU)

- Muri 2007, Ubushinjacyaha Bukuru bwashyizeho Ishami rishinzwe gukurikirana abakekwaho gukora Jenoside bari hanze y'igihugu (GFTU). Iryo shami rifite inshingano z'ingenzi zikurikira:

- Gukora amaperereza ku birego bya Jenoside bireba abantu batorotse Igihugu, kubashakisha mu bihugu babarizwamo, gukorana n'inzego z'ubutabera z'ibindi bihugu kugira ngo batabwe muri yombi, boherezwe mu Rwanda cyangwa se baburanishirizwe muri ibyo bihugu;

- Guha ubufasha bukenewe abakozi b'inzego z'ubutabera b'abanyamahanga mu gukora amaperereza no kuburanisha abantu baregwa Jenoside, ibyaha byibasiye inyoko muntu n'ibyaha by'intambara**.**

## Aho akazi ko gukurikirana abacyekwaho gusiga bakoze jenoside mu Rwanda batorotse igihugu kageze.

- GFTU ubu irimo gukora amadosiye 1,100 ageze ku nzego zinyuranye z'iperereza: hari agikorwamo iperereza ry'ibanze, andi aracyakorwaho iperereza ry'inyongera, hakaba n'ayo iperereza kuri yo ryapfudikiwe.
- Ku mugabane w'Uburayi GFTU yashakishije abakekwa bari yo mirongo itanu n'umwe (51) imenya aho bari mu bihugu binyuranye, birimo Ubufaransa, Ubwongereza, Ubuholandi, Norway, n'Ubutaliyani ndetse yoherezayo inyandiko zitanga ibirego n'izo kubafata.
- Ku mugabane wa Afurika, abantu mirongo itanu na babiri (52) GFTU yamenye aho baherereye mu bihugu binyuranye birimo: Kenya, Malawi, Mozambique, Zambiya, Congo Kinshasa na Congo Brazzaville naho yoherezayo inyandiko twavuze haruguru.

## Ishyirwaho ry'Ishami rishinzwe gutegura no kuburana amadosiye y' ibyaha mpuzamahanga (ICU)

- Ubushinjacyaha Bukuru bwashyizeho ishami rishinzwe gutegura ndetse no kuburana dosiye z'ibyaha mpuzamahanga, rikaba rishinzwe cyane cyane iherekanywa ry'abafungwa hagati y'ibihugu, n'iyimurwa ry'imanza hagati y'inkiko ziri mu bihugu bitandukanye.

- Iri shami ririmo kwitegura kwakira abantu benshi bakekwaho ibyaha bazava mu Burayi, ku buryo gahunda yo kubohereza mu Rwanda ubu igeze kure.

## Ibijyanye no kwimurira imanza mu Rwanda, kuburanisha, kimwe no kohereza mu gihugu abakurikiranyweho icyaha cya Jenoside.

- ICTR yohereje mu Rwanda abantu babiri (02) baregwa ubu bakaba barimo kuburanishwa mu Rukiko Rukuru,
- ICTR yohereje mu Rwanda amadosiye y'abantu batandatu (06) bari hanze y'u Rwanda,
- Canada, USA, Uganda, Denmark, Ubuholandi na Norway byose byohereje abantu bakurikiranyweho icyaha cya Jenoside mu Rwanda,
- Ibihugu byinshi mu Burayi no muri Africa ubu byakiriye ubusabe bwo kohereza mu Rwanda abakurikiranwe babicumbitsemo, bikaba bikiri gusuzumwa (u Rwanda rwohereje muri ibyo bihugu inyandiko zikubiyemo ibirego 279 guhera muri 2006 kugeza Gashyantare 2015).
- Abantu batandukanye baregwaga barakurikiranywe mu nkiko zinyuranye hirya no hino.

## Ikibazo cyo Guhakana no gupfobya jenoside yakorewe

- Nkuko abahanga nka **Gregory H. Stanton** [2] babisobanura jenoside igira ibyiciro umunani. Icya nyuma rero ari nacyo turimo ubu ni uguhakana jenoside
- Iki kibazo turagifite haba mu gihugu haba no hanze yacyo. Ngira ngo mwese muzi ko ubu abatanze ubuhamya hiryo no hino mu nkiko zo mu gihugu no hanze yacyo bariho bagurirwa maze bakisubiraho bakavuga ko nta jenoside yabaye mu Rwanda. Ibi birakorwa n'udutsiko tw'abateguye bakanashyira umugambi wo gukora jenoside mu bikorwa.
- Utu dutsiko twirirwa dushaka abadushyigikira nta kindi tugamije usibye kwikuraho jenoside maze mu maso y'isi yose tukayishyira kubayikorewe cyangwa abayihagaritse.
- Ikibabaje usanga utwo dutsiko dukorana na media houses, twarinjiye mu ntumwa za rubanda dore ko abenshi ubu bamaze kubona ubwenegihugu, dufite abanditsi b'ibitabo n'izindi nyandiko dukorana nabo, ndetse usanga nta kindi bakora usibye kwirirwa mu nkiko zaba izo mu bihugu barimo ndetse n'inkiko mpuzamahanga bahakana jenoside.
- Utu dutsiko kandi nitwo twirirwa dukwirakwiza ko abatanze ubuhamya bashinjura abacyekwaho jenoside yakorerwe abatutsi babikurikiranwaho, byitwa icyaha cyo guhakana no gupfobya jenoside.
- Ikindi abantu bakwiye kumenya ni uko ubu abacyekwaho gukora jenoside ubu bakaba bariho bayihakana hirya no hino ku isi bifatanije n'abarwanya Leta bose bagamije kwerekana ko Leta iriho ariyo yakoze jenoside.

### Guhakana no gupfobya Jenoside mu Nkiko

- Ubu dufite ikibazo iyo tugiye mu nkiko z'amahanga gusaba ko abacyekwaho gukora jenoside bazanwa gukurikiranwa mu Rwanda kuko usanga babantu navuze basigaye bakorana na twa dutsiko aribo baza gutanga ubuhamya basebya igihugu bagendeye kubintu bo ubwabo banditse babwiwe n'abarwanya igihugu. Aba bantu kandi usanga bitwa ngo ni experts ku Rwanda kandi abenshi batarigeze barugeramo.
- Usanga ubu twirirwa dusobanura mu nkiko ko jenocide itatewe n'uko ngo RPF yarashe uwari President w'u Rwanda maze ngo abahutu bakarakara

2 Gregory H. Stanton, ' The eight stages of genocide ' in Samuel Totten and Paul R. Batrop [ed.], 'The genocide studies reader', New York: Routledge, 2009 at 127-129.

bakica abatutsi maze ubu Leta iriho ngo ikaba yirirwa ishakisha abahutu bize baba hanze ibashinja Jenocide itarabayeho.

- Usanga kandi ibyo utu dutsiko tuvuga twararangije no kubicengeza mu miryango imwe n'imwe nka Humana Right Watch isohora raporo zidafite sources.
- Usibye kandi muri ibyo bihugu usanga no muri ICTR iki kibazo gihari. Aha nagirango nibutse ko tariki ya 28 z' u kwa mbere 2002 Pascal Ndengejeho umwalimu wa Psychology muri USA wari Ministre wa MDR hagati ya 1992-1993 mu Rwanda yavugiye muri ICTR(mu rubanza rwa Semanza) ko ari abatutsi babanje kwica abahutu. Abajijwe iyicwa ry'abatutsi yavuze ko ari ibyo RPF yabaga yateguye ngo itere akaduruvamo mu gihugu.
- Faustin Twagiramungu nawe tariki ya 5/2/2002 mu rubanza rwa Pasteur Elizaphan Ntakirutimana yavuze ko nta jenocide yateguwe mu Rwanda. Arangiza yemeza muri ICTR ko ibyabaye mu Rwanda atari Jenoside.
- Inkiko z'Igihugu cy'u Bufaransa cyo cyarangije gufata icyemezo cyo kuba kitakohereza mu Rwanda abacyekwaho Jenoside ngo bakurikiranwe kitwaje ko nta te eko ryayihanaga ubwo yabaga nyamara ibi birasobanuye neza cyane mu masezerano mpuzamahanga, ndetse n'inkiko zitandukanye zabifasheho icyemezo zaba izo mu bihugu by'i Burayi ndetse n'inkiko mpuzamahanga.

## Izindi mbogamizi mu ikurikirana ry'abacyekwaho gukora jenoside bahungiye hanze y'u Rwanda

- Umubare munini cyane w'abagomba gukuriranwa;
- Abagomba gukurikiranwa bahindagura amazina n'ubwenegihugu ;
- Abagomba gukurikiranwa bahora bimuka aho babarizwa ;
- Ibihugu bimwe bitagaragaza ubushake ku bufatanye ;
- Ibura ry'amakuru ahagije ku bari hanze n'aho babarizwa.

## Imbogamizi zo mu rwego rw'amategeko mu Koherezwa kw'abakekwaho ibyaha

- Buri gihugu kigira ibyo gisaba cyihariye mbere yo kohereza abakekwaho ibyaha;
- Ingorane z'ururimi: buri gihugu gisaba ko inyandiko zishyirwa mu rurimi rwacyo;
- Mu bihugu bimwe na bimwe, basaba ko ugeza ku rugero rwo hejuru cyane mu kwerekana ibimenyetso by'uko icyaha cyakozwe: nko mu Bwongereza;
- Ibura ry'amasezerano yo kohererezanya abaregwa;
- Abakekwaho ibyaha usanga barahawe ubwenegihugu bw'amahanga
- Kubura itegeko ry'Ubufatanye mu ikurikiranabyaha(mutual Legal Assitance).

## Imbogamizi mu miburanishirize

- Itegeko rigena kwimurira imanza muri Repubulika y'u Rwanda rimeze nk'amasezerano y'ubwumvikane yuzuyemo amahame ya sisitemu ya Common Law
- Ikibazo cy'ururimi: inyandiko zigomba gushyirwa mu rurimi buri wese yumva: Ikinyarwanda cyangwa Icyongereza: nko mu Rubanza rwa Uwinkindi, Munyagishari, Mugesera. Ibi birahenze cyane kandi bitinza imanza.
- Imanza zimara igihe kirekire kubera imiterere yazo n'ibibazo by'insobekerane bizirimo: e.g. Urubanza rwa Mugesera
- Gukurikiranira hafi ibyavuzwe byose mu rubanza: hari igihe abaregwa bambura ububasha ababunganira, hakaza abandi na bo bafite ukwabo baburana n'imyanzuro yabo

## Uburyo imbogamizi zizakemuka

- Gushyiraho uburyo bukomeye kandi buhoraho bwo kurwanya ihakana n'ipfobya rya jenoside yakorewe abatutsi muri 1994,
- Gushyikirana mu by'amategeko na *diplomacy* n'inzego z'ubutabera z'ibihugu bicumbikiye abakwaho kuba barasize bahekuye u Rwanda bikwiye gushyirwamo izindi mbaraga,
- Guteza imbere amategeko agenga ibimenyetso n'imiburanishirize y'imanza kugira ngo ishami rishinzwe ibyaha mpuzamahanga rishyire neza mu bikorwa amahame ya *Common Law* ari mu Itegeko rigena kwimurira imanza muri Repubulika y'u Rwanda,
- Gutekereza ku buhanga n'inzira bishyashya twakoresha kugira ngo kwimura imanza byihute kandi bigerweho.
- Gushyiraho aho bishoboka hose amasezerano yo guhererekanya abakoze ibyaha.
- Gushyiraho mu buryo bwihuse itegeko k'ubufatanye mu ikurikirabyaha (Mutual legal assistance law)
- Guha ingufu n'ibikoresho ishami ry'ubushinjacyaha rishinzwe gukurikirana abacyekwaho kuba barakoze jenoside bagahungira hanze y' u Rwanda.

## MURAKOZE