



H. E. Paul Kagame
President of Republic of Rwanda

"...twese niduhaguruka tugashyigikira Inkiko Gacaca, tuzaba tugaragaje urukundo dufitiye Igihugu cyacu n'Abanyarwanda. Ubutabera bwunga Abanyarwanda buzatubera umusemburo w'ubumwe n'umusingi w'amajyambere"¹.

Nyakubahwa Paul KAGAME

Perezida wa Repubulika y'u Rwanda

¹ Ijambo rya Nyakubahwa Paul KAGAME, Perezida wa Repubulika atangiza Inkiko Gacaca ku wa 18/06/2002.

GUSHIMIRA

Turashimira byimazeyo abantu n'inzego zitandukanye kubera ubwitange, ubufatanye no kuzuzanya byabaranze, aribyo dukesha umusaruro uhebuje w'Inkiko Gacaca.

Turashimira mbere na mbere Leta y'u Rwanda yo yashyizeho gahunda y'INKIKO GACACA mu rwego rwo kwimakaza ubutabera no gusana umuryango nyarwanda ; ibyo zagezeho bigaragarira buri wese bikwiye gutuma ABANYARWANDA basubiza agatima impembero.

Turashimira by'umwihariko INYANGAMUGAYO z'Inkiko Gacaca, ubwitange n'ubutwari bwabo, bwabaye urugero rukomeye rwo gukunda Igihugu.

Turashimira kandi Abafatanyabikorwa bose bagize uruhare muri gahunda y'Inkiko Gacaca, hamwe n'abakozi b'Urwego rw'Igihugu rushinzwe Inkiko Gacaca bagenzuye, bagakurikiranira hafi ndetse bagahuza ibikorwa byose by'Inkiko Gacaca.

Ntitwarangiza tudashimiye buri muntu wese, mu buryo ubwo ri bwo bwose, watanze umuganda wo kugira ngo Inkiko Gacaca zigere ku nshingano zazo.

Kigali, ku wa 18/06/2012

Domitilla MUKANTAGANZWA

Umunyamabanga Nshingwabikorwa w'Urwego
rw'Igihugu rushinzwe Inkiko Gacaca

IMPINE N'IBIMENYETSO

Art. : Article (Ingingo)

ASF : Avocats Sans Frontière (Abavoka batagira umupaka)

CNDP : Commission Nationale des Droits de la Personne (Komisiyo y'igihugu y'uburenganzira bwa Muntu)

CTB : Coopération Technique Belge (Ubufatanye n'ububiligi mu rwego rwa Tekiniki)

D.L : Décret – loi (Itegeko-Teka)

FPR : *Front Patriotique Rwandais* (Umuryango wa FPR Inkotanyi)

HRW : *Human Rights Watch* (Umuryango Mpuzamahanga Ukurikirana Iyubahirizwa ry'uburenganzira bwa Muntu)

ICG: *International Crisis Group* (Itsinda Mpuzamahanga rigamije gukumira no guhosha amakimbirane)

IRC : *International Rescue Committee* (Komite Mpuzamahanga yo gutabara)

J.O.R.R : Journal Officiel de la République du Rwanda (Igazeti ya Leta ya Repubulika y'u Rwanda)

LIPRODHOR: Ligue Rwandaise pour la Promotion et la Défense des Droits de l'Homme (Ishyirahamwe nyarwanda riharanira uburenganzira bwa Muntu)

MDR : *Mouvement Démocratique Républicain* (Ishyamba riharanira Demokarasi na Repubulika)

MINALOC : *Ministère de l'Administration Locale* (Minisiteri y'ubutegetsi bw'igihugu)

MINUAR : *Mission des Nations Unies au Rwanda* (Ubutumwa bw'Umuryango w'Abibumye mu Rwanda)

MRND : *Mouvement Révolution National pour le Développement* (Muvoma Revolusiyoneri iharanira amajyambere y'u Rwanda)

MTN: *Millenium Technology Network* (Ihuriro ry'ikinyagihumbi mu ikoranabuhanga)

ONU : *Organisation des Nations Unies* (Umuryango w'Abibumbye)

PAPG : *Projet d'Appui de la société civile au Processus Gacaca* (Umushinga wa Sosiyete Sivile wo gufasha ibikorwa bya Gacaca)

PRI : *Penal Reform International* (Umuryango ugamije ivugururwa Mpuzamahanga ry'ukurikiranabyaha)

RCS: *Rwanda Correctional Service* (Urwego rw'igihugu rushinzwe imfungwa n'abagororwa)

RTLM: *Radio Télévision Libre des Milles Collines*.

SFB : *School of Finance and Banking* (Ishuri rikuru ry'Icungamutungo n'Amabanki)

SNJG : *Service National des Juridictions Gacaca* (Urwego rw'Igihugu rushinzwe Inkiko Gacaca)

TIG : *Travaux d'Intérêt Général* (Imirimo nsimbura gifungo ifitiye Igihugu akamaro)

TPIR : *Tribunal Pénal International pour le Rwanda* (Urukiko Mpuzamahanga Mpanabyaha
rwashyirirwaho u Rwanda)

UNR : *Université Nationale du Rwanda* (Kaminuza Nkuru y'u Rwanda)

LISITI Y'IMBONERAHAMWE

- Imbonerahamwe n° 1 : Abakozi b'Urwego rw'Ubutabera kuva mu 1994 kugeza mu 2002.
- Imbonerahamwe n° 2 : Inzego n'ibihano biteganywa n'Itegeko ryo mu mwaka wa 1996
- Imbonerahamwe n° 3: Ijanisha ry'ibyemezo byafashwe n'Inkiko za mbere z'Iremezo hagati ya 1996 na 2000
- Imbonerahamwe n° 4: Inzego n'ibihano biteganyijwe mu itegeko rya 2001
- Imbonerahamwe n° 5: Ibihano biteganywa n'Itegeko rya 2001 kubari abana igihe ibyaha byakorwaga
- Imbonerahamwe n° 6: Umubare w'Inyangamugayo hashingiwe ku gitsina
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- Imbonerahamwe n° 10: Amasomo yatanze mu mahugurwa yo muri Nyakanga 2004 n'inzego zayateguye
- Imbonerahamwe n° 11 : Uko iburanisha ryari rihagaze kuva ku wa 10/03/2005 kugeza ku wa 14/07/2006 mu Mirenge y'icyitegererezo
- Imbonerahamwe n° 12 : Igiteranyo cy'abantu bashyizwe ku rutonde rw'abaregwa
- Imbonerahamwe n° 13 : Aho Ikusanyamakuru ryasubiwemo n'ibyavuyemo
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- Imbonerahamwe n° 17 : Inzego n'ibihano biteganywa n'itegeko ryo mu mwaka wa 2008
- Imbonerahamwe n° 18 : Ibihano bihabwa abana bari bafite imyaka 14 bataruzuzwa 18 y'amavuko igihe bakoraga ibyaha hashingiwe ku Itegeko rya 2008.
- Imbonerahamwe n° 19 : Igihe umuhango wo gusozwa wabereye muri buri Murenge

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INTANGIRIRO

Inkiko Gacaca zikomoka mu buryo bwa kera abanyarwanda bakoreshaga mu gukemura amakimbirane bwitwaga GACACA. Ubwo buryo bwo gukiranura abantu bwibandaga cyane cyane ku bibazo mbonezamubano byavutse hagati y'abantu mu miryango. Ubwo bukemurampaka bwabereye ahantu hazwi hakunda guhurira abantu, by'umwihariko basheshe akanguhe kandi b'inararibonye bazwiho ubupfura no gukoresha ukuri mu kwiga ibibazo byugariye umuryango kugira ngo babishakire ibisubizo bikwiye. Mu gutanga ibihano Gacaca yo hambere yibandaga ku guhamagarira umuryango w'uwakosheje kwiyinga n'umuryango w'uwakosherejwe. Ni muri uru rwego Umuryango nyarwanda wahisemo kwitabaza ubu buryo mu gukemura ikibazo cy'imanza z'abakurikiranyeho icyaha cya Jenoside, bigahuzwa no kunga umuryango nyarwanda wari umaze guseniyuka bitewe n'uko byagaragaraga ko ubutabera busanzwe butashoboraga kubigeraho.

Jenoside yakorewe Abatutsi mu Rwanda mu mwaka w'1994 ifite umwihariko uyigereranyije n'izindi Jenoside zabaye ku isi. Uretse kuba yarateguwe kandi igashyirwa mu bikorwa na Leta na benshi mu banyapolitiki, iyi jenoside yakozwe ku buryo bushingiye ku ivanguramoko bwatekerejwe kandi bushyirwa mu bikorwa n'abayiteguye.

Kuba yarakozwe mu gihe gito, ubugome ndengakamere yakoranywe, ukwitabirwa n'abaturage benshi kandi b'ingeri zitandukanye kandi igakorwa mu gihugu kirimo intumwa n'ingabo z'Umuryango mpuzamahanga ndetse n'ibitangazamakuru birebera, ibi byose bishimangira umwihariko wayo.

Jenoside yatumye Igihugu kivutswa benshi mu bana bacyo (miliyoni irenga y'abantu), abandi benshi barahungu, ibikorwa remezo byinshi birasenyuka, inasigira abantu benshi bakeneye ubufasha (abapfakazi, imfubyi, abana birera, abatagira aho bakinga umusaya n'abandi), umubare munini w'abantu bafunze kuberako gukekwa kugira uruhare muri Jenoside, ihungabana rikomeye kandi ku bantu benshi ryatewe n'ibisare bya Jenoside n'ibindi byaha byibasiye inyokomuntu, ndetse n'iseniyuka ry'urwego rw'ubutabera.



Urwibutso rwa Jenocide yakorewe abatutsi ruri i NTARAMA mu Karere ka Bugesera

Muri iki gitabo, igice cya mbere kiribanda, ku ruhande rumwe, ku bwinshi n'umwihariko bw'ibyaha byakozwe aribyo byabereye imbogamizi ubutabera busanzwe mu gukemura ikibazo cy'imanza za Jenocide. Ku rundi ruhande, turerekana igisubizo cy'umwihariko w'abanyarwanda mu gukemura ikibazo cy'Ubutabera n'Ubwiye cyasizwe na Jenocide arizo Inkiko Gacaca.

Igice cya kabiri kirabana n'itangizwa ry'Inkiko Gacaca mu cyiciro cy'icyitegererezo n'ibyo zagezeho noneho mu gusoza igice cya gatatu kikibanda ku itangizwa ry'imirimo y'Inkiko Gacaca mu gihugu hose n'ibyagezweho muri iki cyiciro.

IGICE CYA MBERE: AMAVU N'AMAVUKO Y'INKIKO GACACA

Mbere yo kurebera hamwe amavu n'amavuko y'Inkiko Gacaca, ni ngombwa kugaragaza ingamba Leta y'u Rwanda yagiye ishyiraho mu gukemura ikibazo cya Jenoside n'ibindi byaha byibasiye inyoko muntu hagamijwe gufatira ingamba ingorane zo mu rwego rw'ubutabera nyuma ya Jenoside.

Umutwe wa mbere: INGORANE MU RWEGO RW'UBUTABERA NYUMA YA JENOSIDE N'INGAMBA ZAFASHWE

Jenoside yakorewe Abatutsi mu Rwanda mu mwaka w'1994 yatewe n'umuco mubi wo kudahana ibyaha bishingiye ku ivanguramoko wimitswe mu Rwanda kuva mu mwaka w'1959. Ariko nta mumtu numwe wari warigeze ateganya uburemere bw'icyo cyago cyangwa ngo acyeke ko byageze kuri Jenoside. Byageze aho umuco wo kudahana uhabwa intebe ndetse wemeza igice kimwe cy'abaturage ko mu izina ry'ubwinshi bw'abagize ubwoko, byose byashobokaga. Byari ngombwa rero guca uwo muco wo kudahana hakurikiranwa abantu bose bagize uruhare mu gukora icyaha cya jenoside.

Igika cya mbere: Ingorane z'ubutabera nyuma ya Jenoside

Guverinoma y'Ubumwe bw'Abanyarwanda yashyizweho ku wa 19 Nyakanga 1994 yari ifite ibibazo byinshi igomba gushakira ibisubizo ariko kimwe mu byihutirwaga cyari icyo guha ubutabera abarokotse Jenoside ndetse n'abakekwagaho gukora ibyaha bya Jenoside. Ibi ariko ntibyari byoroshye bitewe n'umubare munini w'abaregwaga kugira uruhare muri Jenoside kandi n'urwego rw'ubutabera rukaba rwari rwarazahaye cyane.

Agaka ka 1: Umubare munini w'abaregwa

Nyuma ya Jenoside, abantu barenga 120.000 barafashwe bafungwa by'agateganyo bashinjwa icyaha cya Jenoside n'ibindi byaha byibasiye inyokomuntu. Bari bategereje ubutabera mu gihe urwego rw'ubutabera rwari rwarasenyutse burundu.

Inzira y'imbabazi rusange yari yamaze gushyirwa ku ruhande, nuko Guverinoma y'u Rwanda ndetse n'Umuryango Mpuzamahanga bemeza ko abagize uruhare muri Jenoside n'ibyaha byibasiye inyoko muntu bose bagombaga gukurikiranwa bakaburanishwa mu gihe gikwiye nubwo bitari byoroshye cyane cyane ko umubare w'abaregwa wakomezaga kugenda wiyongera cyane.

Ni ubuhe buryo bwakoreshwa mu guca umuco wo kudahana mu gihe abagize uruhare mu gukora icyaha ari benshi cyane? Ni izihe nzira zakoresheye mu kugeza imbere y'ubutabera bamwe mu bacuze umugambi wa Jenoside babonye ubuhungiro mu bihugu by'amahanga rimwe na rimwe babifashijwemo na bamwe mu bayobozi bo muri ibyo bihugu?

Kugira ngo ibi bibazo bikemuke, Guverinoma y'Ubumwe bw'Abanyarwanda yihutiye kongera kubaka urwego rw'Ubutabera.

Agaka ka 2: Gusenyuka k'urwego rw'ubutabera

Gusenyuka k'urwego rw'ubutabera byatewe n'impamvu zinyuranye zirimo:

- Kubura abakozi bashoboye,
- Kwivanga k'ubutegetsu nyubahirizategeko mu bucamanza,
- Uburyo bwo gukoreramo bugoranye n'ibindi.

Kongera kubaka urwego rw'ubutabera, n'ubundi rwari rufite intege nke mbere y'1994, ntibyari byoroshye. Uru rwego ntibyari kurworohera guhangana n'ibihe bya nyuma ya Jenoside.

Iyicwa ry'abacamanza benshi n'abandi bakozi, ihunga ry'abandi kandi abenshi muri bo baragize uruhare mu gukora ibyaha bya Jenoside n'ibindi byaha byibasiye inyokomuntu, irigiswa ry'ibikoreshe, itwarwa ry'inyandiko, isenyuka ry'inzego za Leta no gucika intege k'ubugenzacyaha, ibi byose nibyo byashenye urwego rw'ubutabera. Nyamara icyo abantu bose bemeranyaho nuko hatabaye ubutabera bumwe kuri bose ubwiyunge bw'abanyarwanda butashoboka. Ni muri uru rwego Guverinoma y'ubumwe bw'abanyarwanda yihatiye gushaka uburyo yakemura iki kibazo haba ku rwego rw'igihugu ndetse no ku rwego mpuzamahanga.

Igika cya 2 : Ingamba zafashwe

Mu rwego rwo guhangana n'ingorane zariho, Guverinoma yakoze ibishoboka byose ngo isane kandi ihe ingufu urwego rw'ubutabera inashyiraho amategeko arebana no gukurikirana no gucira imanza abagize uruhare muri Jenocide n'ibindi byaha byibasiye inyoko muntu.

Agaka ka 1 : Gusana urwego rw'ubutabera

Gusana urwego rw'ubutabera byatangiranye no gushaka abakozi ndetse no kubahugura kenshi.

Imbonerahamwe n° 1 : Abakozi b'urwego rw'ubutabera kuva mu 1994 kugeza mu 2002

Abakozi	Mbere y'Ukuboza 1994	M'Ukuboza 2002
Abacamanza	244	700
Abashinjacyaha	12	246
Abanditsi	59	325
Abanyamabanga b'Ubushinjacyaha	56	123

Byavuye : ibikorwa bya Leta y'Ubumwe bw'Abanyarwanda umwaka wa 2002.

Nubwo bwose hashyizwemo imbaraga nyinshi, Ubutabera bwakomeje kuba ikibazo gihangayikishije Leta y'Ubumwe bw'Abanyarwanda. Mu rwego rwo kwihitisha itegurwa ry'amadosiye ya jenocide, Minisiteri y'Ubutabera, ku ikubitiro, yashyizeho komisiyo z'ijonjora, nyuma zisimburwa n'abakozi b'ubushinjacyaha bagize mu gihugu hose biga amadosiye ya Jenocide kugira ngo ashyikirizwe inkiko.

Agaka ka 2 : Itegeko Ngenga n° 08/96 ryo ku wa 30/8/1996

Zimwe mu ngorane zagaragaye mu birebana no gukemura ikibazo cya jenocide, harimo kuba nta tegeko ryagengaga uburyo bwo gukurikirana no guhana abantu bakekwaho kuba baragize uruhare muri Jenocide n'ibindi byaha byibasiye inyokomuntu ryari rihari. Nubwo u Rwanda rwari rwarashyize umukono ku masezerano mpuzamahanga arebana na Jenocide, nta tegeko rihana icyo cyaha ryari imbere mu Gihugu.

Umushinga w'itegeko wabanjirijwe n'inama mpuzamahanga yo gutegeza ikibuga no guharura amayira y'ibitekerezo Abanyamategeko b'u Rwanda bashobora kuba baragendeyeho. Iyo nama yari yateguwe na Guverinoma y'u Rwanda yabereye i Kigali kuva ku itariki ya 31 Ukwakira kugeza ku ya 3 Ugushyingo 1995 ibera i Kigali. Yari igamije kungurana ibitekerezo ku nsanganyamatsiko igira iti« *Guca umuco wo kudahana : Ibiganiro bigamije ubwiyunge bw'abanyarwanda* ». Iyi nama yahuye abantu bafite inararibonye mu nzego zitandukanye barimo impuguke, abashakashatsi n'abaharanira iyubahirizwa ry'uburenganzira bwa muntu. Iyo nama yagombaga gusuzuma ingamba zihamye, zijanyane n'umwihariko w'ibibazo by'u Rwanda zari gutuma abantu bagize uruhare muri Jenocide n'ibindi byaha byibasiye inyoko muntu baburanishwa. Imyanzuro yavuye muri iyi nama niyo yifashishijwe mu gutegeza umushinga w'itegeko ryihariye rishyiraho ingereko zihariye zishinzwe kuburanisha icyaha cya Jenocide n'ibindi byaha byibasiye inyokomuntu mu Nkiko za Mbere z'Iremezo zariho icyo gihe.

Hagamijwe gukemura ikibazo cy'iyi mbogamizi yari yarazitiye ku rwego rw'Igihugu uburyo bwose bwo gukurikirana abagize uruhare muri Jenocide, Guverinoma y'u Rwanda yatangaje Itegeko Ngenga n° 08/96 ryo ku wa 30/8/1996 rigena imitunganyirize y'ikurikirana ry'ibyaha bigize icyaha cya Jenocide cyangwa ibyaha byibasiye inyokomuntu byakozwe kuva tariki ya mbere Ukwakira 1990².

Iryo tegeko ryateganyaga ibintu bibiri bitari bisanzwe mu mategeko mpuzamahanga arengera uburenganzira bwa muntu. Mbere na mbere, ryashyize abakekwaho kugira uruhare muri jenocide mu nzego enye. Ryateganyaga kandi uburyo bwo kugabanyirizwa ibihano ku bantu bose bakoze ibyaha, bireze mu buryo bwuzuye, uretse abo mu rwego rwa mbere. Nta wabura kwibutsa ko mu rwego rwo guhana ibyaha bya Jenocide, Umushingamategeko yashingiye ahanini ku ihame ry'inyitombumbe ryatumaga ibyateganywaga n'Itegeko Ngenga n° 08/96 hamwe n'urwunge rw'amategeko ahana ibyaha byombi bikurikizwa. Mu by'ukuri, uretse umugambi wa Jenocide, ibikorwa bigize icyaha cya Jenocide byari bisanzwe biteganyijwe kandi bigahanwa n'urwunge rw'amategeko ahana mu Rwanda³.

² Itegeko Ngenga n° 8/96 ryo ku wa 30/8/1996 rigena ikurikirana ry'ibyaha bigize icyaha cya Jenocide n'ibindi byaha byibasiye inyokomuntu byakozwe kuva ku itariki ya mbere ukwakira 1990, Igazeti ya leta n° 17, 1996.

³ Reba ingingo ya mbere y'Itegeko Ngenga n° 8/96.

A. Inzego n'ibihano mu Itegeko Ngenga ryo mu mwaka w' 1996

Hakurikijwe ibiteganywa n'Itegeko Ngenga ryo muri 1996 mu ngingo yaryo ya 2, urwego rwa mbere rugizwe n'abacuze umugambi, abawuteguye, abawushishikarije abandi, abagenzuye n'abayoboye itsembabwoko n'itsembatsemba cyangwa ibindi byaha byibasiye inyoko-muntu, abari abayobozi ku rwego rw'Igihugu, urwa Perefegitura, urwa Komini, urwa Segiteri cyangwa urwa Serile bagize uruhare muri Jenoside ; abicanyi ruharwa hamwe n'abakoze ibikorwa byo kwangiza no kwica urubozo bangiza imyanya ndangagitsina. Urwego rwa kabiri rugizwe n'abantu bakoze ibyaha by'ubwicanyi hamwe n'ibitso byabo. Urwego rwa gatatu rugizwe n'abantu bakoze ibyaha bagambiriye kwica ariko ntibabigeraho. Urwego rwa kane rugizwe n'abantu bakoze ibyaha ku mitungo.

Imbonerahamwe n° 2 : Inzego n'ibihano biteganywa n'Itegeko ryo mu mwaka wa 1996

Urwego	Ibyaha	Ibihano
1	a. umuntu wakoze ibyaha cyangwa ibikorwa by'ubufatanyacyaha bimushyira mu bacuze umugambi, abawuteguye, abawushishikarije abandi, abagenzuye n'abayoboye itsembatsemba n'itsembabwoko cyangwa ibindi byaha byibasiye inyokomuntu; b. umuntu wari icyo gihe mu nzego z'ubuyobozi : Urwego rw'Igihugu, urwa Perefegitura, urwa Komini, urwa Segiteri cyangwa urwa Selire, mu mashyaka ya Politiki, mu gisirikare, mu madini, mu mitwe yitwara gisirikare ku buryo butemewe n'amategeko, akaba yarakoze ibyo byaha cyangwa akoshya abandi kubikora;c.umwicanyi ruharwa wamamaye aho yari ari cyangwa aho	Bahanishwa igihano cyo kwicwa no kwamburwa burundu uburenganzira bwose umuntu afite mu gihugu nk'uko biteganywa n'igitabo cy'amategeko ahana

	yanyuze kubera umwete yagize mu bwicanyi cyangwa ubugome bukabije yabukoranye; d. umuntu wakoze ibikorwa byo kwangiza imyanyandagagitsina	
2	umuntu wakoze icyaha cyangwa ibikorwa by'ubufatanyacyaha bimushyira mu mubare w'abishe batari mu rwego rwa mbere cyangwa bakoze ibikorwa bikomeye byagiriwe abantu bikabaviramo gupfa, hamwe n'ibitso bye.	Bahanishwa igifungo cya burundu no kwamburwa burundu uburenganzira buvugwa mu ngingo ya 66 y'igitabo cy'amategeko ahana mu duce twa 2, 3 na 5
	Bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa.	bahanishwa igifungo cyo kuva ku myaka irindwi (7) kugeza ku myaka cumi n'umwe (11) no kwamburwa burundu uburenganzira buvugwa mu ngingo ya 66 y'igitabo cy'amategeko ahana mu duce twa 2, 3 na 5
3	umuntu ushinjwa ko yakoze cyangwa yafashije gukora ibindi bikorwa bikomeye byakorewe abantu.	Bahanishwa ibihano biteganijwe mu gitabo cy'amategeko ahana no kwamburwa uburenganzira nk'uko amategeko abiteganyaga
	Bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa.	bahanishwa icyakabiri cy'igihano urukiko rwagombaga kubahanisha hakurikijwe ibiteganywa mu gitabo cy'amategeko ahana no kwamburwa uburenganzira nk'uko amategeko abiteganyaga
4	Umuntu wakoze gusa ibyaha byerekeranye n'umutungo	Hakurikizwa amategeko asanzwe yerekeye ikurikirana ry'ibyaha n'ibirego by'indishyi.

B. Gahunda yo kwirega, kwemera icyaha, kwicuza no gusaba imbabazi

Ni ngombwa kuvuga by'umwihariko kuri gahunda yo kwirega no kwemera icyaha. Iyi gahunda yagize uruhare runini mu manza za Jenocide yari ifite intego z'ingenzi zikurikira:

- Kugaragaza ukuri ku byabaye muri Jenocide ;
- Kwihutisha imanza ;
- Gufasha mu bwiye bw'abanyarwanda.

Nyuma yo gutangaza Itegeko Ngenga n° 08/96 ryo ku wa 30 Kanama 1996, bake mu mfungwa zaregwa jenocide nibo bitabiriye iyi gahunda nuko baherako bagabanyirizwa ibihano. Hari impamvu nyinshi zashoboraga kuba zabitera. Aha turibanda ku z'ingenzi muri zo.

Hari harabayeho kwishyira hamwe mu guhakana Jenocide bituma habaho akagambane mu mfungwa ngo bicecekere. Rimwe bavugaga ko barengana ko ibyo bashinjwa ataribyo ubundi bakavugaga ko gutsemba Abatutsi byari bifite ishingiro. Uretse n'ibyo, bibeshyaga ko bazabohozwa n'abo bafatanyije muri jenocide bo muri Leta yari imaze gutsindwa.

Birumvikana ko ibyo babishishikarizwaga ndetse bakanahatirwa guceceka n'abacuze umugambi wa Jenocide n'abandi bese bakoze ibyaha bibashyira mu rwego rwa mbere. Mu by'ukuri abaregwa bo mu rwego rwa mbere nta mahirwe bari bafite icyo gihe yo kugabanyirizwa ibihano kabone n'ibo bakwitabira gahunda yo kwirega no kwemera ibyaha. Hari kandi igihuha mu bagororwa n'imiryango yabo ko nibaramuka bicecekeye bazagirwa abere bagafungurwa bitewe no kubura ibimenyetso bihagije byo kubahamya ibyaha.

Mu guhangana n'icyo kibazo, Guverinoma y'u Rwanda, ibinyujije muri Minisiteri y'Ubutabera yateguye gahunda y'umwihariko y'ubukangurambaga ku kwirega no kwemera icyaha ahantu hose hari hafungiyeho abantu, bituma abafunzwe basobanukirwa gahunda yo kwirega no kwemera ibyaha n'inyungu zayo. Habaga hasigaye ko abacamanza basuzuma ishingiro ry'ubwo bwirege.

Iburanisha ryatangiye m'Ukuboza 1996. Uko urwego rw'ubutabera rwagendaga rwiubaka niko imiburanishirize y'imanza yarushagaho kugenda neza zigira isura nziza ari nako abazigiramo uruhare bagenda bagaragaza ubushobozi mu gutunganya akazi kabo. Ariko ntizihutishwaga ku buryo bushimishije.

C. Impuzanyito mu Itegeko Ngenga ryo mu mwaka w'1996

Iri hame rigaragazwa n'uko Itegeko Ngenga ryo mu mwaka w'1996 ryahanaga ibikorwa byari bisanzwe biteganyijwe binahanwa nn'igitabo cy'amategeko ahana mu Rwanda ariko bikaba bigize icyaha cya Jenocide cyangwa ibyaha byibasira inyoko-muntu. Inshingano ya mbere y'Ubushinjacyaha yari iyo guha icyaha inyito hashingiwe ku biteganywa n'urwunge rw'amategeko ahana mu Rwanda, bigakurikirwa no kugenzura niba icyo cyaha kiri mu bigize icyaha cya Jenocide cyangwa ibyaha byibasiye inyokomuntu⁴. Mu gushyira mu bikorwa iryo Tegeko Ngenga, ibi bintu byagombaga kuba byuzuye⁵.

Agaka ka 3: Umusaruro wagezweho

Mbere gato y'uko Inkiko Gacaca zishyirwaho, hari byinshi byari byaragezweho mu kuvugurura urwego rw'ubutabera. Umubare w'abantu baburanishwa wagenda wiyongera mu mwaka w'1997⁶. Kugeza ku wa 31 Ukuboza 2002, abantu 8.363 bari bamaze kuburanishwa ku byaha bya Jenocide n'ibindi byaha byibasiye inyoko-muntu. Uwaburanishijwe bwa mbere ni Gatanazi Egide, wahoze ari Resiponsabule wa serile Nyagakombe, muri segiteri Nkungu, muri komini Rutonde, Perefegitura ya kibungo, ubu ni mu Karere ka Rwamagana, mu Ntara y'iburasirazuba. Urubanza rwe rwatangiye ku itariki ya 27 Ukuboza ku Cyasemakamba. Ku itariki ya 3 Mutarama 1997, Urugereko rwihariye rw'Urukiko rwa mbere rw'Iremezo rwa Kibungo rwamuhamije icyaha, rumukatira igihano cyo kwicwa.

Mu rwego rw'amategeko, Itegeko Ngenga n° 08/96 ryo ku wa 30 Kanama 1996 ryafashije cyane abacamanza n'abandi bantu bose bagize uruhare mu iburanisha ry'icyaha cya Jenocide. Icyakora, abacamanza bakomeje kujya bifashisha Itegeko Shingiro, amasezerano mpuzamahanga ndetse n'andi

⁴ D. DE BEER ET ALII, *loi organique du 30 août 1996 sur l'organisation des poursuites des infractions constitutives du crime de génocide ou de crimes contre l'humanité : commentaire*, Alter Egaux, 1997, p. 32-33

⁵ Itegeko Ngenga ryubahirizwaga iyo habagaho ibyaha by'impurirane mbonezamugambi nk'uko biteganywa n'ingingo ya 93,1 y'igitabo cy'amategeko ahana mu Rwanda : ' Habaho ibyaha by'impurirane mbonezamugambi iyo icyaha kimwe mu mikorerwe yacyo gishobora kugira inyito nyinshi'.

⁶ LIPRODHOR, Imbonerahamwe n° 2, 2003, p.11.

mategeko ahana yo mu gihugu. Uko kwifashisha amategeko atandukanye byafashaga gutanga ubutabera buboneye kuri bose.

Mu rwego rw'imikorere, amadosiye ahuriweho n'abantu benshi niyo yaburanishijwe ku ikubitiro. Impamvu yari iyo kugira ngo haburanishwe icyarimwe abakoze ibyaha, abafatanyacyaha babo ndetse n'ibytso byabo. Iki gitekerezo ntabwo cyaje nk'ikimanuka ahubwo cyashingiye ku buryo ibyaha byakozwe n'abantu bibumbiye mu bitero.

Mu rwego rw'imibanire y'abantu, imanza ziciwe mu buryo buboneye zatangaga icyizere cy'uko abantu bakongera kubana neza. Mu magereza, abafungwa barashinjanyaga. Imiryango y'abahohotewe n'iy'abaregwa yatangaga ubuhamya bushinja n'ubushinjura kandi bagakomeza guturana. Ibi byagiye bivamo isomo ry'ubwubahane no koroherana n'ubwo inyungu zaba zitandukanye.

Imbonerahamwe n° 3: Ijanisha ry'ibyemezo byafashwe n'Inkiko za mbere z'Iremezo hagati ya 1996 na 2000

Urukiko rwa Mbere rw'Iremezo	Igihano cyo kwicwa		Igifungo cya burundu		Igifungo cy'igihe gito		Abere	
	96-99	2000	96-99	2000	96-99	2000	96-99	2000
Kigali	19	7	58	45	7.6	22	15.2	22
Gitarama	3.0	2.9	10.7	19.1	42.2	34.9	37.9	10
Butare	37.7	17.7	30.7	36.1	21.9	25.8	9.6	14.3
Gikongoro	19.5	19.3	47.5	39.8	17.2	16.9	15.4	24
Cyangugu	15.2	10.6	36.4	39.2	29.8	38.5	18.5	7.4
Kibuye	16.3	7.1	31.1	24.7	36.6	23.9	15.8	11.5
Gisenyi	22.5	3.3	21.9	37.2	21.9	25.6	12.1	28.9
Ruhengeri	22.2	24.3	49.3	24.4	9.0	17.1	19.2	24.4
Byumba	14.4	6	44.2	41.4	23.2	27.4	19.0	23.2
Kibungo	9.5	2.5	8.8	5.8	73.1	82.8	8.0	6.5
Nyamata	15.7	9.7	18.1	22.6	43.6	53.1	21.1	17.6
Rushashi	3.5	0	30.1	15.5	36.7	48.8	29.5	32
Conseil de guerre (urukiko rwa Gisirikare)	62.5	1	16.6	0	16.6	0	4.1	0
Impuzandengo	30.6	8.5	31	26.9	29.1	32.6	17.3	17.0

Byavuye: LIPRODHOR, CDIPG, « Quatre ans de procès de Génocide : Quelles bases pour les Juridictions Gacaca, juillet 2001, p.8 ».

Uyu musaruro wagezweho biturutse ku bacamanza bari bamaze kuba inararibonye no ku kugabanuka kw'imyumvire ishingiyeye ku macakubiri mu muryango nyarwanda. Uburyo bwo gutanga ubutabera bwarushijeho kugenda bunozwa bitewe no gusobanukirwa, kumenya no gukoresha neza Itegeko Ngenga ryo mu mwaka w'1996. Imbaraga nyinshi zashyizwe mu kwegereza abaturage ubutabera binyuze mu

kuburanishiriza ibyaha aho byakorewe. Hagiye hakorwa kandi amahugurwa ahoraho yo kongerera abakozi bo mu rwego rw'ubutabera ubushobozi.

Gahunda yo kuburanishiriza aho ibyaha byakorewe yagize akamaro kanini. Byagiye bituma ubutabera bwegera abaturage kandi n'abacamanza bakabasha gusobanukirwa n'ibyabaye, kubona ubuhamya ndetse no kugenzura ukuri kw'imvugo z'abatangabuhamya n'ababuranyi.

Agaka ka 4 : Ishyirwaho ry'Urukiko Mpuzamahanga Mpanabyaha k'u Rwanda

Nyuma yo kubona no gusesengura ubukana n'umugambi wo gutsemba ubwoko byaranze ibyaha byakozwe, Guverinoma y'Ubumwe bw'abanyarwanda yiyemeje kumvisha umuryango mpuzamahanga ko ayo mahano ari Jenocide. Ubwo bukangurambaga nibwo bwatumye abanyamakuru n'abashakashatsi mpuzamahanga baza mu Rwanda kwirebera ukuri nubwo bwose bimwe mu bihugu bikomeye n'ibibigwa mu ntege byapfobya cyangwa bigahakana Jenocide bitabishakaga. Jenocide imaze kwemerwa Guverinoma yatangiye gukora ubukangurambaga mu muryango w'abibumbye no mu bahagarariye ibihugu n'imiryango mpuzamahanga mu Rwanda kugira ngo hashyirweho Urukiko Mpuzamahanga mpanabyaha ku Rwanda hagamijwe gukurikirana no guhana abagize uruhare muri Jenocide bahungiyeho hirya no hino ku isi.

Akanama k'umuryango w'abibumbye gashinzwe umutekano, nyuma y'impaka ndende kaje gufata umwanzuro n° 955 wo ku wa 08 ugushyiraho urukiko Mpuzamahanga Mpanabyaha ku Rwanda.⁷ Bityo, ububasha bw'urwo Rukiko buba ubwo gukurikirana abantu bakoze Jenocide n'ibyaha byibasiye Inyoko muntu mu Rwanda kuva ku wa 01 kugera ku wa 31 Ukuboza 1994. Ariko Guverinoma y'u Rwanda n'imwe mu miryango nyarwanda iharanira uburenganzira bwa muntu bumvaga byaba byiza igihe cyafatiweho kigijwe inyuma mu mateka cyane cyane ko Jenocide yateguwe.

Ikindi cyanengwaga, ku ruhande rumwe, cyari icyicaro gishyizwe mu mahanga (Arusha-Tanzaniya) mu gihe ibyaha byakozwe n'Abanyarwanda kandi bigakorerwa mu Rwanda, ku rundi ruhande ni ibihano byatangwaga kubera ko amategeko mpuzamahanga adatanga igihano cyo kwicwa byari bitandukanye

⁷ UMURYANGO W'ABIBUMBYE, Akanama gashinzwe umutekano, Umwanzuro wa n° 955 wo ku wa 8 Ugushyiraho urukiko Mpuzamahanga Mpanabyaha ku Rwanda, [http://www.un.org/french/documents/view_doc.asp?symbol=S/RES/955\(1994\)](http://www.un.org/french/documents/view_doc.asp?symbol=S/RES/955(1994)), byarebwe ku wa 15/08/2009.

n'amategeko yahanaga mu Rwanda icyo gihe. Kuva icyo gihe umubano w'urwo Rukiko na Guverinoma y'u Rwanda n'Imiryango y'abacitse ku icumu rya Jenocide ntiwawemye kuzamo agatotsi ndetse rimwe na rimwe ntibacane uwaka.

Umutwe wa II : IVUKA RY'INKIKO GACACA

N'ubwo Guverinoma y'u Rwanda yari yarakoze umurimo ukomeye wo gusana urwego rw'ubutabera, byagaragaraga ko ku muvuduko w'icyo gihe, byari kuzatwara imyaka irenze 100 kugira ngo haburanishwe gusa abaregwaga bari bafunzwe. Kandi nk'uko bivugwa mu ndimi z'amahanga « justice delayed is justice denied ». Ni ukuvuga ngo ubutabera butinze si ubutabera Byari ngombwa gukemura iki kibazo hashakishwa undi muti.

Igika cya mbere: Ibiganiro byo mu Rugwiro

Mu mwaka wa 1998-1999, mu biganiro byabereye muri « *Village Urugwiro* » ku butumire bwa Perezida wa Repubulika Pasiteri Bizimungu, Guverinoma y'u Rwanda yatanze igitekerezo cyo kwitabaza Gacaca yari isanzwe mu mucu nyarwanda. Ibyo biganiro byitabiriwe n'abantu benshi barenga ijana bafite inararibonye mu nzego zinyuranye. Ibi biganiro byahuje abahagarariye imitwe ya politiki, abaminisitiri, bamwe mu ntumwa za rubanda n'abaperezida b'amakomisiyo igize Inteko ishingamategeko, Perezida n'abavisi perezida b'Urukiko rw'ikirenga, abaperefe ba perefegitura n'abandi bantu batandukanye batumiwe kugira ngo batange ibitekerezo muri icyo nama. Inama yateranaga buri wa gatandatu kuva ku wa 09 Gicurasi 1998 kugeza ku wa 06 Werurwe 1999. Ibi biganiro byahuriranye n'isoza ry'inziyacyuho ryari ritaganyijwe ku wa 17 Nyakanga 1999. Ikibazo cy'ubutabera kiri mu byaganirwaho kandi n'umwanzuro wo kwitabaza Gacaca wafatiwe muri ibyo biganiro byo ku rwego rw'igihugu. Ku birebana n'uburanisha ry'icyaha cya Jenocide n'ibyaha byibasiye Inyokomuntu, haganirwe ku ngingo eshatu: gusesengura ikibazo cy'imanza, kungurana ibitekerezo ku muti wacyo n'ishyirwaho rya komisiyo idasanzwe ifite inshingano yo kwiga uburyo hakwifashishwa Gacaca gakondo.

Mu gusesengura ikibazo cy'imanza hashingiwe ku mwihariko w'icyaha cya Jenocide n'ibyaha byibasiye Inyokomuntu no ku ruhare rutandukanye rw'ababikoze barangajwe imbere na Leta n'Amadini. Ku bijyanye na gahunda y'uburanisha mu ngereko zihariye, byaragaragaye ko ubutabera buri kure y'ababuranyi butashoboraga gukemura ikibazo. Ni muri urwo rwego hatanzwe igitekerezo cyo kwitabaza Gacaca ivuguruye nk'uburyo bwo kwigwaho neza bushobora gukemura ikibazo. Abari bashyigikiye icyo gitekerezo

bavugaga ko hagomba gushyirwaho uburyo bwo gutanga ubutabera abaturage bafitemo uruhare bakagira n'umwanya wo kugaragaza ukuri ku byabaye kandi bakagira uruhare mu guhana ababigizemo uruhare⁸.

Mu nama zo muri « Village Urugwiro », gutangaza igitekerezo cyo kwifashisha Gacaca byateje impaka nyinshi zishingiye ku bitekerezo bitandukanye bimwe biyishyigikiye ibindi biyamagana. Abari bayishyigikiye bagaragazaga ko uruhare rw'abaturage mu gukemura ikibazo cy'imanza n'ingaruka za Jenocide rukwiye guhabwa agaciro kurushaho kandi bakibanda na none ku kamaro ko gusana umuryango nyarwanda.

Abarwanyaga icyo gitekerezo, biganjemo abanyamategeko n'abahagarariye imiryango iharanira uburenganzira bwa muntu, bagaragazaga impungenge ku ngingo zikurikira: gupfobya Jenocide, ikibazo cyo kutubahiriza amategeko arengera uburenganzira bw'ibanze bwa muntu mu iburanishwa ry'ibyaha nka jenocide, ubushobozi bw'abaturage bagombaga guhabwa inshingano yo kuburanisha ibyaha biremereye n'iy'inzitane z'amarangamutima adashobora kubura. Kuri bo, ikurikiranacyaha mu buryo busanzwe no mu Nkiko zisanzwe nibwo bwari uburyo bwiza bwo kurwanya umuco wo kudahana no kunga umuryango nyarwanda. Nubwo ariko barwanyije icyo gitekerezo, ntibigeze bashobora gutanga undi muti ku kibazo cy'ingutu cyari mu Nkiko zisanzwe. Byarangiye hafashwe umwanzuro wo kwifashisha Gacaca yari kugenda ivugururwa hashingiwe ku buremere bwa jenocide.

Mu rwego rwo kwiga uburyo icyemezo cyo kwifashisha Gacaca cyashyirwa mu bikorwa, hashyizweho komisiyo igizwe n'abantu 13 biganjemo abanyamategeko ikaba yari iyobowe na Minisitiri w'Ubutabera w'icyo gihe Bwana Jean de Dieu Mucyo. Iyo komisiyo yagombaga kandi no kwiga ku ngaruka Gacaca yari kugira ku mibereho y'abaturage no muri politiki, uburyo bwo kwihutisha no kunoza imigendekere y'imanza ndetse no gusuzuma uburyo igihano cyo gufungwa cyasimbuzwa imirimo ifitiye Igihugu akamaro

⁸ Idem, pp.47-70.

Agaka ka 1 : Imbanzirizamushinga

Raporo ya komisiyo yavuzwe haruguru yakozwe mu buryo bw'imbanzirizamushinga⁹ itangarizwa abaturage kugira ngo bayunguraneho ibitekerezo kandi barusheho kuyinoza. Muri urwo rwego Minisitiri w'ubutabera n'imikoranire y'Inzego yateguye inama nyunguranabitekerezo zitandukanye hagamijwe kunoza iyo mbanzirizamushinga y'Itegeko ry'Inkiko Gacaca no gusobanura impamvu zatumye Guverinoma ihitamo ubwo buryo mu gukemura ikibazo cy'imanza za Jenocide. Ni muri urwo rwego, guhera ku wa 28 kugeza ku wa 29 Kamena 1999 i Murambi habereye inama nyunguranabitekerezo yatangijwe na Perezida wa Repubulika. Abayitabiriye bakaba barakoreye mu matsinda atatu bungurana ibitekerezo ku miterere n'imikorere by'Inkiko Gacaca.

Kugira ngo Inkiko Gacaca zishobore gukora zitabangamiye amategeko asanzwe akurikizwa mu gihugu, ivugururwa ry'amwe mu mategeko akurikira cyangwa ingingo ziyagize ryari ngombwa.

- Amasezeramo y'amahoro y'Arusha ku igabana ry'ubutegetsu azahindurwa kugira ngo hazashobore gushyirwaho umutwe w'Inkiko Gacaca mu Rukiko rw'Ikirenga ;
- Itegeko Ngenga n° 08/96 ryo ku wa 30 Kanama 1996 rigena imiterere y'ikurikirana ry'ibyaha bigize icyaha cya Jenocide n'ibindi byaha byibasiye Inyokomuntu ;
- Itegeko Teka n° 09/80 ryo ku wa 7 Nyakanga 1980 rigena imiterere n'ububasha by'Inkiko rizavugururwa hongerwamo ingingo ku miterere n'ububasha by'Inkiko Gacaca ;
- Itegeko Teka n° 21/77 ryo ku wa 18 Kanama 1977 rishyiraho igitabo cy'amategeko ahana rizahindurwa hongerwamo ingingo zirebana n'ibihano by'igifungo bishobora gusimbuzwa imirimo ifitiye Igihugu akamaro ;
- Itegeko ryo ku wa 23/02/1963 rigena imiterere y'Urukiko rw'Ikirenga rizahindurwa kugira ngo hateganywemo umutwe ushinze Inkiko Gacaca.

⁹ Imbanzirizamushinga ivuga ku miterere, imikorere n'ububasha bw'Inkiko Gacaca ndetse no guhuza ishyirwaho ry'Inkiko Gacaca n'amategeko asanzweho (Repubulika y'u Rwanda, Minisitiri y'Ubutabera Inkiko Gacaca mu manza za Jenocide n'iz'ubwicanyi bwabaye mu Rwanda hagati y'itariki ya mbere Ukwakira 1990 n'ya 31 Ukuboza 1994, Kigali, Kamena 1999).

Agaka ka 2 : Ubukangurambaga

Inama nyunguranabitekerezo yagenewe abahagarariye imiryango mpuzamahanga yabereye muri Hoteli *des Mille Collines* ku wa 13 Nyakanga 1999. Uwari Visi Perezida wa Repubulika akaba na Minisitiri w'Ingabo icyo gihe, Nyakubahwa Paul KAGAME yashimangiye akamaro k'Inkiko Gacaca. Muri icyo nama hagaragarijwemo ibyavuye mu bushakashatsi ku myumvire y'abaturage bo muri Komini Mukingi, Tambwe, Gashora, Kanzenze na Ngenda. Muri rusange abaturage bashyigikiye Gacaca ivuguruye kandi basaba ko yakorerwa mu bwisanzure busesuye hatabayeho kwivanga k'ubutegetsi nyubahirizategeko n'ubuyobozi. Izindi nama zitandukanye kuri Gacaca zarateguwe hagamijwe gutunganya neza imikorere y'Inkiko Gacaca kugira ngo ihuzwe n'ukuri kwihariye kw'imanza za Jenocide yo mu 1994. Urugero ni inama yateguwe n'ikigo gishinzwe gucyemura no gukumira amakimbirane cya Kaminuza Nkuru y'u Rwanda guhera ku italiki ya 5 kugeza kuya 6 Werurwe 2000.

Ubukangurambaga kandi bwakozwe no mu magereza atandukanye hagamijwe gusobanurira abafungwa uburyo bushya bwari bugiye gutuma imanza za Jenocide zicibwa vuba kandi neza.

Ubwo bukangurambaga bwatangiriye muri gereza ya Rilima muri Kigali Ngali bituma abafungwa baho bireze bakemera icyaha nyuma yo gusobanukirwa n'inyungu za Gacaca, ku wa 12 Gicurasi 1998, bashinga komite yitwa « Urumuri » yari igamije gukangurira no gushishikariza abandi bafungwa kwirega no kwemera ibyaha bakoze. Iki gikorwa cyagize akamaro kanini bituma umubare w'abafungwa birega bakemera icyaha ugenda wiyongera. Ibyo bakoze byabaye isomo no ku bindi bigo ngororamuco. Muri gereza ya Gitarama naho hashinzwe ishyirahamwe ryitwa « Umucyo » rifite intego nkiz'iryi Ririma.

Ubwo bukangurambaga bwatanze umusaruro ushimishije. Ni muri urwo rwego muri Gereza Nkuru ya Kigali, ubuhamya bwahatangiye bwakusanyirijwe mu mbonerahamwe hashihingirwe ku makomini abiri y'umuji wa Kigali. Hakoze intonde z'amazina y'abantu bishwe, abakomerekejwe, abasambanyijwe ku gahato bakomoka muri izo komini, hanakorwa urutonde rw'ibyangijwe cyangwa byasahuwe.

Abafungwa bakoze kandi urutonde rw'abantu bakoze ibyo byaha n'aho baherereye ku bari bakiriho, banakora urutonde rw'abantu bashobora gutanga amakuru y'inyongera. Izo nyandiko zose zagombaga kwifashishwa n'Inkiko Gacaca

Igika cya 2. Ishyirwaho ry'Inkiko Gacaca

Itegeko Ngenga n° 40/2000 ryo ku wa 26 Mutarama 2001 rishyiraho Inkiko Gacaca kandi rigena imiterere y'ikurikirana ry'ibyaha bigize icyaha cya Jenocide n'ibindi byaha byibasiye inyokomuntu, byakozwe hagati y'itariki ya mbere Ukwakira 1990 n'ya 31 Ukuboza 1994, ryashyizeho Inkiko Gacaca. Ryatangajwe mu Igazeti ya Leta nyuma y'ubugororangingo bwakorewe umushinga waryo¹⁰.

Inteko ishingira amategeko yagombye kwifashisha andi mategeko yari asanzwe akoreshwa. Harimo Itegeko Teka n° 9/80 ryo ku wa 7 Nyakanga 1980 rigena imiterere n'ububasha by'Inkiko Itegeko Ngenga n° 08/96 ryo ku wa 30 Kanama 1996, Itegeko Teka n° 21/77 ryo ku wa 18 Kanama 1977 rishyiraho igitabo cy'amategeko ahana mu Rwanda n'Itegeko ryo ku wa 23 Gashyantare 1963 rigena imiburanishirize y'imanza z'inshinyabaha. Iryo Tegeko Ngenga ryagendeye no ku masezerano mpuzamahanga u Rwanda rwashyizeho umukono. Twavugaga nk'Amasezerano yo ku wa 9 Ukuboza 1948 yerekeranye no guhana icyaha cya Jenocide, Amasezerano y'i Geneve yo ku wa 12 Kanama yerekeranye no kurinda abasivili mu gihe cy'intambara, Amasezerano yo ku wa 26 Ugushyingo 1968 ajyanye no kudasaza kw'icyaha cya Jenocide n'ibindi byaha byibasiye Inyokomuntu¹¹.

Intego z'ingenzi z'Inkiko Gacaca ni izi zikurikira¹²:

- Kugaragaza ukuri kuri Jenocide ;
- Kwihutisha imanza za Jenocide ;
- Guca umuco wo kudahana ;
- Gushimangira ubumwe n'ubwiyunge bw'abanyarwanda ;
- Kugaragaza ubushobozi bw'umuryango nyarwanda mu kwikemurira ibibazo.

¹⁰ Itegeko Ngenga n° 40/2000 ryo ku wa 26 /01/2001 rishyiraho Inkiko Gacaca kandi rigena ikurikirana ry'ibyaha bigize icyaha cya Jenocide n'ibindi byaha byibasiye inyokomuntu byakorewe mu Rwanda hagati y'itariki ya mbere Ukwakira 1990 n'ya 31 Ukuboza 1994, Igazeti ya Leta ya Repubulika y'u Rwanda yo ku wa 15/3/2001, pp.66-98.

¹¹ Ibindi, reba irangashingiro ry'Itegeko Ngenga rivuzwe haruguru n° 40/2000 ryo ku wa 26 /01/2001 rishyiraho Inkiko Gacaca kandi rigena ikurikirana ry'ibyaha bigize icyaha cya Jenocide n'ibindi byaha byibasiye inyokomuntu, byakozwe hagati y'itariki ya mbere Ukwakira 1990 n'ya 31 Ukuboza 1994.

¹² Reba Irangashingiro ry'Itegeko Ngenga n° 16/2004 ryo ku wa 19/06/2004.

Agaka ka 1 : Itegeko Ngenga n° 40/2000 ryo ku wa 26 Mutarama 2001 rishyiraho Inkiko Gacaca

Iri Tegeko rishya, aho ritandukaniye n'andi mategeko ahana ibyaha, nuko risobanura ubwaryo imiterere, imikorere n'ububasha by'Inkiko Gacaca ; ibyaha n'ababikurikiranyweho ndetse n'ibihano biteganyijwe.

A. Imiterere n'imikorere y'Inkiko Gacaca

Hashyizweho, muri buri Serile, buri Segiteri, buri Komini cyangwa Umujyi no muri buri Ntara cyangwa Umujyi wa Kigali, Urukiko Gacaca rushinzwe kuburanisha, mu ifasi yagenwe n'Itegeko, ibyaha bigize icyaha cya Jenocide n'ibindi byaha byibasiye inyokomuntu byakorewe mu Rwanda hagati y'itariki ya mbere Ukwakira 1990 n'ya 31 Ukuboza 1994.

1. Inzego z'Inkiko Gacaca

Buri Rukiko Gacaca rugizwe n'Inama rusange, Inteko na komite mpuzabikorwa.

a) Inama Rusange

Inama rusange ya buri Rukiko Gacaca iterana mu nama yayo isanzwe rimwe mu kwezi n'igihe cyose bibaye ngombwa mu nama yayo idasanzwe mu nyungu z'imigendekere myiza y'imirimo y'Inkiko Gacaca

Ibyemezo by'Inama rusange bifatwa ku bwumvikane ; iyo bidashobotse bifatwa ku bwiganze burunduye bw'amajwi y'abayigize. Iyo nama ya buri kwezi ifite inshingano yo gusuzuma ibikorwa by'Inteko n'iby'Inama Mpuzabikorwa. Itumirwa kandi ikayoborwa na Perezida w'Inama Mpuzabikorwa abyibwirije cyangwa abisabwe nibura na kimwe cya gatatu cy'abagize Inteko y'Urukiko Gacaca.

Iyo Perezida agize impamvu yumvikana ituma adatumiza Inama Rusange, itumizwa n'umwe mu bamwungirije. Iyo Perezida yanze gutumiza Inama Rusange Inteko y'Urukiko iraterana itumijwe nibura na barindwi mu bayigize. Iterana hari nibura cumi na bane, mu bayigize, bitoramo umuyobozi uzatumiza Inama Rusange.

Uretse Inama rusange y'Urukiko Gacaca rw'akagali ifite inshingano yo gutanga amakuru ku bagize uruhare muri Jenoside n'abahitanywe nayo, aho buri muturage w'akagari agomba kugaragaza aho yari atuye mbere ya Jenoside no mu gihe yakorwaga ; agatanga amakuru yose yaba azi ajyanye n'ikorwa ry'ibyaha bigize icyaha cya jenoside ; Inama rusange zose zihurira ku nshingano rusange zikurikira :

- Gutanga ibimenyetso bishinja cyangwa bishinjura mu gihe cy'iburanisha ;
- gutora abagize inteko y'urukiko Gacaca n'abasimbura babo;
- gushyiraho Inteko z'inyongera zikenewe mu Rukiko Gacaca rw'Akagari;
- gutora abagize inteko z'Inkiko Gacaca zisumbuye ;
- gusuzuma no kwemeza raporo y'ibikorwa yakozwe na komite mpuzabikorwa.

b) Inteko

Abagize Inteko y'urukiko Gacaca ni abanyarwanda b'Inyangamugayo batorwa n'inama rusange y'akagali batuyemo. Inyangamugayo ni umuntu wujuje ibi bikurikira :

1. Kuba indakemwa mu mico no mu myifatire;
2. Kuba umunyakuri ;
3. Kwanga guhemuka ;
4. Kutanigana abandi ijambo ;
5. Kuba atarakatiwe ku buryo budasubirwaho igihano cy'igifungo kingana cyangwa kirenze amezi 6 ;
6. Kuba ataragize uruhare muri Jenoside cyangwa ibindi byaha byibasiye inyokomuntu ;
7. Kutarangwa n'ingengabiterezo ya jenoside.

Umuntu wese w'inyangamugayo ugejeje ku myaka 21 y'amavuko ashobora gutorerwa kuba mu bagize Inteko y'Urukiko Gacaca. Buri Nteko y'Urukiko Gacaca igizwe n'Inyangamugayo 19. Mbere yo gutangira imirimo batorewe buri wese mu bagize Inteko y'urukiko arahirira imbere y'Inama rusange muri aya magambo: « Njyewe, -----, mw'izina ry'Imana ishobora byose, ndahiriye u Rwanda ko nzatunganya imirimo nshinzwe, nubahiriza amategeko, ko nzarangwa igihe cyose no kutabogama no gushakisha ukuri, kandi ko nzakora ibishoboka kugira ngo ubutabera buganze ». Indahiro irahirirwa imbere y'Inama rusange y'Urukiko Gacaca, bikandikwa mu gitabo cyabugenewe, bigashyirwaho umukono n'uwarahiye.

Umwe mu bagize Inteko y'Urukiko Gacaca ntiyemerewe kuburanisha urubanza ruregwamo umuntu bafitanye isano cyangwa uyifitanye n'uwo bashakanye kugeza ku gisekuru cya 2, uwo basanzwe bafitanye urwango rukomeye, ubucuti bukomereye, uwo arera cyangwa yareze byemewe n'amategako. Iyo habonetse imwe muri izi mpamvu, umwe mu bagize Inteko urebwa nayo yikura mu Nteko, atabikora uwo ariwe wese ubizi abimenyesha Inteko ikabifataho umwanzuro mbere y'uko yinjira mu mizi y'urubanza.

Ntashobora gutorerwa kuba umwe mu bagize Inteko y'urukiko Gacaca rw'Akagari cyangwa umwe mu bagize Inama rusange y'umurenge, y'Akarere cyangwa umujyi, y'Intara cyangwa umujyi wa Kigali, umuntu wese ukora umurimo wa politiki, umuyobozi w'ubutegetsi bwa Leta, umusirikare cyangwa umupolisi ukiri mu kazi, umucamanza w'umwuga, umuntu uri mu nzego z'ubuyobozi bw'umutwe wa politiki ku rwego rw'Igihugu. Uko kutemererwa kuvaho ku muntu weguye kuri icyo mirimo bikemerwa. Abayobozi b'ubutegetsi bwa Leta bavugwa muri iki gika ni : Perefe w'Intara, umuyobozi w'Umujyi wa Kigali, abagize komite nyobozi y'Umujyi wa Kigali n'iy 'Akarere n'abagize akanama gashinzwe politiki n'ubutegetsi ku rwego rw'Umurenge n'urw'Akagari. Ntashobora gutorwa cyangwa gutorwa umuntu wese uri ku rutonde rw'abaregwa ibyaha bigize icyaha cya Jenocide bimushyira mu rwego rwa mbere.

Uwatorewe kuba mu nzego zigize Inkiko Gacaca asimburwa icyo agaragaweho n'imwe mu mpamvu zikurikira ;

1. gusiba inama z'inzego z'Inkiko Gacaca inshuro eshatu zikurikirana kandi nta mpamvu zifite ishingiro yatanze;
2. guhanishwa ku buryo budasubirwaho igihano cy'igifungo kingana cyangwa kiri hejuru y'amezi atandatu;
3. gukurura amacakubiri;
4. gukora umwe mu mirimo ikurikira: ukora umurimo wa politiki, umuyobozi w'ubutegetsi bwa Leta, umusirikare cyangwa umupolisi ukiri mu kazi, umucamanza w'umwuga, umuntu uri mu nzego z'ubuyobozi bw'umutwe wa politiki ku rwego rw'Igihugu.
5. kurwara indwara yatuma adakurikirana imirimo y'inzego z'Inkiko Gacaca
6. gukora igikorwa icyo aricyo cyose cyatuma atakwitwa Inyangamugayo;
7. kwimuka mu ifasi y'Urukiko Gacaca abarizwamo;
8. kwegura ;
9. gupfa.

Icyemezo cyo gusezerera Inyangamugayo bitewe no gusiba inama z'inze z'Inkiko Gacaca inshuro eshatu zikurikiranye kandi nta mpamvu yumvikana yatanze, gukurura amacakubiri no kubera gukora igikorwa gituma umuntu atakwitwa Inyangamugayo gifatwa mu nyandiko n'abagize Inteko y'Urukiko Gacaca uwirukanwa yabarizwagamo. Uwirukanwe muri ubwo buryo, anengerwa imbere y'Inama rusange kandi ntashobora kongera gutorwa nk'Inyangamugayo ukundi.

Inteko y'Urukiko Gacaca iterana mu buryo bwemewe n'amategeko iyo habonetse byibura 15 mu bayigize. Iyo uwo mubare utuzuye, abagize Inama rusange bitoramo izindi nyangamugayo zihagije kugira ngo uwo mubare wuzure. Ni nako bigenda iyo uwo mubare wanze kuzura bitewe no kwihanwa kw'abagize Inteko. Inkiko Gacaca ziburanishiriza mu ruhamye uretse igihe hasabwe umuhezo ukemezwa n'Urukiko Gacaca kubera impamvu z'umutekano rusange cyangwa ubupfura. Imyanzuro yo ifatirwa mu muhezo. Inteko ya buri Rukiko Gacaca iterana nibura rimwe mu cyumweru ku butumire bwa Perezida abyibwirije cyangwa bisabwe byibura na batatu mu bagize komite mpuzabikorwa. Iburanisha ritangira saa mbiri n'igice za mu gitondo rigasoza saa kumi iyo ryatinze. Iminsi y'iburanisha igenwa n'Inama rusange y'Urukiko Gacaca ku bwumvikane bw'abayigize byanirana hagafatwa icyemezo ku bwiganze busesuye bw'amajwi y'abitabiriye inama. Iyo umunsi w'iburanisha wimuwe kubera impamvu zifite ishingiro, Perezida w'urukiko Gacaca afatanyije n'abagize komite mpuzabikorwa bashiraho undi munsi.

Inteko y'Urukiko Gacaca ifata imyanzuro ku bwumvikane bw'abayigize, byanirana icyemezo kigafatwa ku bwiganze busesuye bw'amajwi y'abayigize. Iyo baguye miswi, bongera gutorwa ariko buri wese agatora hagati y'ibitekerezo bibiri byari byabonye amajwi menshi mbere.

Urubanza rwaciye n'urukiko Gacaca rusomerwa mu ruhamye ku munsi wagenwe n'inteko y'Urukiko. Urukiko rugomba kugaragaza impamvu rwashingiyeho rufata icyemezo. Icyemezo by'Urukiko bishyirwaho umukono n'abagize Inteko baburanishije urwo rubanza bakagira n'uruhare mu gufata umwanzuro.

c) Inama mpuzabikorwa

Inama mpuzabikorwa igizwe na perezida, visi perezida wa mbere, visi perezida wa kabiri n'abanditsi babiri, bese bakaba bagomba kuba bazi gusoma no kwandika neza ikinyarwanda. Inama mpuzabikorwa itorwa

n'abagize Inteko y'urukiko Gacaca ku bwiganze bw'amajwi y'abayigize. Inama mpuzabikorwa ya buri Rukiko Gacaca ifite inshingano zikurikira:

- gutumiza, kuyobora inama no guhuza imirimo y'Inteko y'Urukiko Gacaca
- kwandika ibirego, ubuhamya n'ibimenyetso byatanzwe n'abaturage ;
- kwakira dosiye z'abashinjwa baburanira mu Nkiko Gacaca
- kwandika ubujurire bwakozwe mu manza z'Inkiko Gacaca
- kohereza mu rukiko Gacaca rw'ubujurire amadosiye y'imanza zajuririwe
- kwandika ibyemezo byafashwe n'inzego z'urukiko Gacaca
- gukora raporo y'ibikorwa by'urukiko Gacaca
- gushyira mu bikorwa ibyemezo by'Inama rusange n'iby'Inteko y'Urukiko Gacaca
- gushyikiriza urukiko Gacaca rwisumbuye raporo y'ibikorwa yemejwe n'Inama rusange y'urukiko Gacaca.

Inama mpuzabikorwa y'Urukiko Gacaca iterana igihe cyose bibaye ngombwa ku butumire bwa perezida wayo abyibwirije cyangwa abisabwe nibura na babiri mu bayigize. Kugira ngo iterane byemewe n'amategeko, Inama mpuzabikorwa igomba kuba nibura yitabiriwe na batatu mu bayigize harimo umwanditsi. Ibyemezo byayo bifatwa ku bwumvikane bitaba ibyo ingingo yigwagaho igashyikirizwa Inteko y'Urukiko Gacaca.

2. Inshingano z'Inkiko Gacaca

Itegeko riha buri Rukiko Gacaca inshingano zarwo zihariye.

a) Urukiko Gacaca rw'Akagari

Urukiko Gacaca rw'Akagari rufite inshingano z'ingenzi zikurikira:

- Gukora urutonde rw'abantu bakurikira :
 - Abantu bari batuye akagari mbere na nyuma ya Jenocide;
 - abagize uruhare mu gukora ibyaha bya Jenocide ;
 - abahohotewe na Jenocide cyangwa ibyaha byibasiye Inyokomuntu n'ibyabo byangijwe;
- kwegeranya amadosiye yose yaturutse mu bushinjacyaha ;
- gushyira abaregwa mu nzego nk'uko biteganyijwe n'iri tegeko Ngenga;

- kuburanisha no guca imanza z'ibyaha birebana n'umutungo;
- gufata ibyemezo ku birebana no kwihanwa kw'abayigize ;
- kwakira ubwirege bw'abagize uruhare muri Jenoside;
- gushyikiriza Inkiko zibifitiye ububasha amadosiye y'abaregwa batari mu bubasha bwabo;
- gutora abagize Inama mpuzabikorwa.

b) Urukiko Gacaca rw'umurenge, urw'Akarere cyangwa Umujyi, urw'Intara cyangwa Umujyi wa Kigali

Inteko y' Urukiko Gacaca rw'umurenge, urw'Akarere cyangwa Umujyi, urw'Intara cyangwa Umujyi wa Kigali ifite inshingano z'ingenzi zikurikira :

- gukora amaperereza ya ngombwa ku buhamya bwatanzwe ;
- kwakira ubwirege bw'abagize uruhare muri Jenoside;
- gufata ibyemezo ku birebana no kwihanwa kw'abayigize ;
- kuburanisha no guca imanza ifitiye ububasha nyuma yo gusuzuma niba abashinjwa yashyikirijwe barashyizwe mu nzego zihuje n'ibyaha bakurikiranweho
- gusuzuma ubujurire bw'imanza zaciwe n'Inkiko ziri muni yarwo ;
- gutora abagize inama mpuzabikorwa ;
- kwakira no gusuzuma raporo z'ibikorwa z'Inkiko Gacaca ziri muni yarwo.

B. Ububasha bw'Inkiko Gacaca

Inkiko Gacaca zifite ububasha nk'ubw'Inkiko zisanze bwo gucira imanza abakurikiranyweho ibyaha zishingiye ku buhamya bw'abashinja n'abashinjura.

Zishobora :

- guhamagara umuntu uwo ariwe wese zisanze ari ngombwa mu rubanza ;
- gutegeka cyangwa gusaka ushinjwa. Iryo saka rigomba kubahiriza umutungo w'ushinjwa n'uburenganzira bwa muntu ;
- gufata ibyemezo bishingana umutungo by'agateganyo ;
- gutanga ibihano no kugena indishyi;
- gutegeka irekurwa ry'imutungo yafatiriwe y'abagizwe abere ;

- guhamagara igihe bibaye ngombwa ubushinjacyaha kugira ngo utange ibisobanuro ku madosiye bwakoreye iperereza;
- guhamagaza abakekwaho ibyaha no gutegeka ko bafungwa by'agateganyo igihe cyose bibaye ngombwa.

Urukiko Gacaca rukurikirana rukanahana kimwe umuntu wanze gutanga ubuhamya cyangwa wabeshye mu buhamya yatanze n'umuntu washyize cyangwa wagerageje gushyira ibikangisho ku batangabuhamya cyangwa ku bagize Inteko y'Urukiko Gacaca.

1. Ububasha bushingiye ku kiburanwa

a) Urukiko Gacaca rw'Akagari

Urukiko Gacaca rw'Akagari ruburanisha bwa mbere ibyaha byo mu rwego rwa kane rukanaburanisha isubirishamo ry'imanza rwaciye ababuranyi badahari. Rushyira kandi mu nzego abakurikiranyweho kugira uruhare mu byaha bya Jenocide.

b) Urukiko Gacaca rw'Umurenge

Urukiko Gacaca rw'umurenge ruburanisha ibyaha byo mu rwego rwa gatatu kimwe n'isubirishamo ry'imanza rwaciye ababuranyi badahari.

c) Urukiko Gacaca rw'Akarere cyangwa Umujyi

Urukiko Gacaca rw'Akarere cyangwa Umujyi ruburanisha ibyaha byo mu rwego rwa kabiri, ubujurire ku byemezo byafashwe bwa mbere cyangwa mu isubirishamo ry'imanza zaciye n'inkiko Gacaca z'umurenge zo mu ifasi yarwo kimwe n'isubirishamo ry'imanza rwaciye ababuranyi badahari.

d) Urukiko Gacaca rw'intara cyangwa umujyi wa Kigali

Urukiko Gacaca rw'intara cyangwa Umujyi wa Kigali ruburanisha ubujurire ku byemezo byafashwe bwa mbere cyangwa mu isubirishamo ry'imanza zaciye n'inkiko Gacaca z'Uturere ziri mu ifasi yarwo kimwe n'isubirishamo ry'imanza rwaciye ababuranyi badahari.

2. ububasha bushingiye ku Ifasi

Urukiko rw'aho icyaha cyakorewe nirwo rufite ububasha bwo kukiburanisha.

- Ifasi y'Urukiko Gacaca rw'Akagali ni Akagali k'ubuyobozi;
- Ifasi y'urukiko Gacaca rw'Umurenge ni Umurenge w'Ubuyobozi;
- Ifasi y'urukiko Gacaca rw'Akarere cyangwa Umujyi n'Akarere k'ubuyobozi naho ifasi y'Urukiko Gacaca rw'Intara cyangwa Umujyi wa Kigali ni Intara cyangwa Umujyi wa Kigali.

Iyo umuntu akurikiranyweho gukorera ibyaha ahantu hatandukanye, iburanishwa rye rirasubikwa, Urukiko Gacaca rumukurikiranye rukabimenyesha byihutirwa Umutwe w'Inkiko Gacaca mu Rukiko rw'Ikirenga nawo wihutira kubimenyesha Inkiko Gacaca z'Utugali bireba uzihamagarira gutanga amakuru n'ubuhamya bushinja cyangwa bushinjura.

Umutwe w'Inkiko Gacaca mu Rukiko rw'Ikirenga rwoherereza amadosiye yakozwe muri ubwo buryo Urukiko Gacaca rwaregewe narwo rukongera gushyira mu rwego uregwa rushingiye ku makuru n'ibimenyetso bishya byakusanyijwe byaba ngombwa rugashyikiriza iyo dosiye Urukiko rubifitiye ububasha.

3. Ibyaha n'Ibihano biteganywa n'Itegeko Ngenga rya 2001

Iri Tegeko ryagarutse ku byaha bya Jenocide n'ibindi byaha byibasiye Inyokomuntu nk'uko byari biteganyijwe n'Itegeko n° 08/96 ryo ku wa 30 Kanama 1996.

Imbonerahamwe n° 4: Inzego n'ibihano biteganyijwe mu itegeko rya 2001

Urwego	Ibyaha	Ibihano
1	a. Umuntu wakoze ibyaha cyangwa ibikorwa by'ubufatanyacyaha bimushyira mu bacuze umugambi, abawuteguye, abawushishikarije abandi, abagenzuye n'abayoboye itsembatsemba n'itsembabwoko cyangwa ibindi byaha byibasiye inyokomuntu; b. umuntu wari icyo gihe mu nzego z'ubuyobozi : mu rwego rw'Igihugu, urw'Intara cyangwa umujyi wa Kigali n'urw'Akarere cyangwa umujyi; mu mashyaka ya politiki, mu Gisirikare, mu madini cyangwa mu mitwe yitwara gisirikari ku buryo butemewe n'amategeko, akaba yakoze ibyo byaha cyangwa akoshya abandi kubikora; c. umwicanyi ruharwa wamamaye aho yari ari cyangwa aho yanyuze kubera umwete yagize mu bwicanyi cyangwa ubugome bukabije yabukoranye; d. umuntu wasambanyije undi ku gahato cyangwa wangije imyanya ndangagitsina. Banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi cyangwa bireze, bakemera icyaha, bakicuza bagasaba imbabazi ariko ntibyemerwe	Bahanishwa igifungo cya burundu cyangwa igihano cyo kwicwa no kwamburwa burundu uburenganzira bwose umuntu afite mu Gihugu;

	Bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa nyuma yo gushyirwa ku rutonde rw'abaregwa.	Bahanishwa igifungo cy'imyaka 25 cyangwa igifungo cya burundu no kwamburwa burundu uburenganzira bwose umuntu afite mu Gihugu;
	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa mbere yo gushyirwa ku rutonde rw'abaregwa	Bahanishwa igifungo cy'imyaka 25 cyangwa igifungo cya burundu no kwamburwa burundu uburenganzira bwose umuntu afite mu Gihugu;
2	a. umuntu wakoze icyaha cyangwa ibikorwa by'ubufatanyacyaha bimushyira mu mubare w'abishe batari mu rwego rwa mbere cyangwa wagiriye abandi nabi bikabaviramo gupfa, hamwe n'ibytso bye; b. umuntu wakomerekeje cyangwa wagiriye abandi nabi agambiriye kubica ariko umugambi we ntawugereho. Banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi cyangwa bireze, bakemera icyaha, bakicuza bagasaba imbabazi ariko ntibyemerwe	Bahanishwa igifungo cy'imyaka 25 cyangwa igifungo cya burundu no kwamburwa burundu uburenganzira bukurikira : a. gutora, b. gutorwa c. kuba umuhamya mu by'ubuhanga n'umugabo mu byemezo no mu manza d. gutunga no gutwara imbunda e. kuba umusirikare
	Bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa nyuma yo gushyirwa ku rutonde rw'abaregwa.	bahanishwa igifungo cyo kuva ku myaka cumi n'ibiri (12) kugeza ku myaka cumi n'itanu (15) ariko ku gihano cy'igifungo bahawe, kimwe cya kabiri cy'imyaka bakatiwe bakayimara muri gereza indi isigaye bakayikoramo imirimo nsimburagifungo ifitiye Igihugu akamaro no kwamburwa burundu uburenganzira bukurikira : a. gutora,

		b. gutorwa c. kuba umuhamya mu by'ubuhanga n'umugabo mu byemezo no mu manza d. gutunga no gutwara imbunda e. kuba umusirikare
	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa mbere yo gushyirwa ku rutonde rw'abaregwa	bahanishwa igifungo cyo kuva ku myaka irindwi (7) kugeza ku myaka cumi n'ibiri (12) ariko ku gihano cy'igifungo bahawe, kimwe cya kabiri cy'imyaka bakatiwe bakayimara muri gereza indi isigaye bakayikoramo imirimo nsimburagifungo ifitiye Igihugu akamaro. no kwamburwa burundu uburenganzira bukurikira : a. gutora, b. gutorwa c. kuba umuhamya mu by'ubuhanga n'umugabo mu byemezo no mu manza d. gutunga no gutwara imbunda e. kuba umusirikare
3	umuntu ushinjwa ko yakoze cyangwa yafashije gukora ibindi bikorwa bikomeye byakorewe abantu, atagambiriye kubica. banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi cyangwa bireze, bakemera icyaha, bakicuza bagasaba imbabazi ariko ntibyemerwe	bahanishwa igifungo cyo kuva ku myaka itanu (5) kugeza ku myaka irindwi (7) ariko ku gihano cy'igifungo bahawe , kimwe cya kabiri cy'imyaka bakatiwe bakayimara muri gereza indi isigaye bakayikoramo imirimo nsimburagifungo ifitiye Igihugu akamaro.

	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa nyuma yo gushyirwa ku rutonde rw'abaregwa.	bahanishwa igifungo cyo kuva ku myaka itatu (3) kugeza ku myaka itanu (5) ariko ku gihano cy'igifungo bahawe, kimwe cya kabiri cy'imyaka bakatiwe bakayimara muri gereza indi isigaye bakayikoramo imirimo nsimburagifungo ifitiye Igihugu akamaro.
	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa mbere yo gushyirwa ku rutonde rw'abaregwa	bahanishwa igifungo cyo kuva ku mwaka umwe (1) kugeza ku myaka itatu (3) ariko ku gihano cy'igifungo bahawe, kimwe cya kabiri cy'imyaka bakatiwe bakayimara muri gereza indi isigaye bakayikoramo imirimo nsimburagifungo ifitiye Igihugu akamaro.
4	Umuntu wakoze gusa ibyaha byerekeranye n'umutungo	Basabwa kwishyura umutungo w'abandi bononnye cyangwa basahuye. Icyakora, iyo uwangije n'uwangirijwe bumvikanye ubwabo cyangwa bakabikora imbere y'ubutegetsi cyangwa y'abatangabuhamya, mbere y'uko iri tegeko ngenga ritangira gukurikizwa, uwangije ntakurikiranwa".

Ntitwabura kuvuga ku mpinduka zimwe na zimwe za ngombwa zazanywe n'iri Tegeko ugereranyije n'irya 1996 :

Ku bijyanye n'inzego z'abaregwa, iri Tegeko ryagumanye inzego z'abaregwa uko zari zimeze ariko rishyira mu bubasha bw'Inkiko Gacaca inzego eshatu kuko urwa mbere rwagumye mu bubasha bw'Inkiko zisanze. Ku baregwa bo mu rwego rwa mbere, abayobozi ku rwego rwa Selire na Segiteri iri Tegeko ryateganyijwe ko bazajya bashyirwa mu rwego hashingiwe ku byaha bakurikiranyweho aho gushingira ku nshingano z'ubuyobozi bari bafite. Ryateganyijwe kandi icyaha cyo gusambanya ku gahato kitari giteganyijwe mu itegeko rya 1996. Iryo Tegeko kandi ryashyizeho igihe ntarengwa cy'imyaka ibiri uhagaze igihe ryasohokeye ngo abashaka kwirega ibyaha, kwicuza no gusaba imbabazi babe barangije kubikora bitandukanye n'ibyari biteganyijwe mu itegeko rya 1996 ryashyiraga icyo gihe ku mezi 18.

Ni ngombwa kwibutsa ko iri tegeko riteganyije umwihariko ku bana bari barengaje imyaka 14 ariko batarageze kuri 18 igihe bakoraga ibyaha. Imbonerahamwe ikurikira irerekana ibihano bahabwa.

Imbonerahamwe n° 5: Ibihano biteganyijwe nitegeko rya 2001 kubari abana igihe ibyaha byakorwaga

Urwego	Ibyaha	Ibihano
1	a. umuntu wakoze ibyaha cyangwa ibikorwa by'ubufatanyacyaha bimushyira mu bacuze umugambi, abawuteguye, abawushishikariye abandi, abagenzuye n'abayoboze itsembatsemba n'itsembabwoko cyangwa ibindi byaha byibasiye inyokomuntu; b. umuntu wari icyo gihe mu nzego z'ubuyobozi : mu rwego rw'Igihugu, urw'Intara cyangwa umujyi wa Kigali n'urw'Akarere cyangwa umujyi; mu mashyamba ya politiki, mu Gisirikare, mu madini cyangwa mu mitwe yitwara	bahanishwa igifungo cyo kuva ku myaka icumi (10) kugeza ku myaka yakumyabiri (20) no kwamburwa burundu uburenganzira bwose umuntu afite mu Gihugu;

	gisirikari ku buryo butemewe n'amategoko, akaba yarakoze ibyo byaha cyangwa akoshya abandi kubikora; c. umwicanyi ruharwa wamamaye aho yari ari cyangwa aho yanyuze kubera umwete yagize mu bwicanyi cyangwa ubugome bukabije yabukoranye; d. umuntu wasambanyije undi ku gahato cyangwa wangije imyanya ndangagitsina. Banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi cyangwa bireze, bakemera icyaha, bakicuza bagasaba imbabazi ariko ntibyemerwe	
	Bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa nyuma yo gushyirwa ku rutonde rw'abaregwa.	Bahanishwa igifungo cy'imyaka 25 cyangwa igifungo cya burundu no kwamburwa burundu uburenganzira bwose umuntu afite mu Gihugu;
	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa mbere yo gushyirwa ku rutonde rw'abaregwa	Bahanishwa igifungo cy'imyaka 25 cyangwa igifungo cya burundu no kwamburwa burundu uburenganzira bwose umuntu afite mu Gihugu;
2	a. umuntu wakoze icyaha cyangwa ibikorwa by'ubufatanyacyaha bimushyira mu mubare w'abishe batari mu rwego rwa mbere cyangwa wagiriye abandi nabi bikabaviramo gupfa, hamwe n'ibytso bye; b. umuntu wakomerekeje cyangwa wagiriye abandi nabi agambiriye kubica ariko umugambi we ntawugereho.	Bahanishwa igihano cy'igifungo kingana na kimwe cya kabiri cy'imyaka iteganyirijwe abakuru no kwamburwa burundu uburenganzira bukurikira : a. gutora, b. gutorwa c. kuba umuhamba mu by'ubuhanga n'umugabo mu byemezo no mu manza

		d. gunga no gutwara imbunda e. kuba umusirikare
3	umuntu ushinjwa ko yakoze cyangwa yafashije gukora ibindi bikorwa bikomeye byakorewe abantu, atagambiriye kubica.	Bahanishwa igihano cy'igifungo kingana na kimwe cya kabiri cy'imyaka iteganyirijwe abakuru
4	Umuntu wakoze gusa ibyaha byerekeranye n'umutungo	Basabwa kwishyura umutungo w'abandi bononnye cyangwa basahuye. Icyakora, iyo uwangije n'uwangirijwe bumvikanye ubwabo cyangwa bakabikora imbere y'ubutegetsu cyangwa y'abatangabuhamya, mbere y'uko iri tegeko ngenga ritangira gukurikizwa, uwangije ntakurikiranwa.

Ni ngombwa kwibutsa ko abantu bari batarageza ku myaka 14 igihe bakoraga ibyaha badakurikiranwa ariko bashobora gushyirwa mu bigo ngororamuco igihe cy'amezi 3.

Agaka ka 2: Ishyirwaho ry'Umutwe ushinzwe Inkiko Gacaca mu Rukiko rw'Ikirenga

Umutwe ushinzwe Inkiko Gacaca mu Rukiko rw'Ikirenga ukomoka kw'ivugururwa ry'Itegeko Shingiro ryo ku wa 18/04/2000¹³. Ingingo ya 2 ihindura ingingo ya 28 y'Amasezerano y'Amahoro y'Arusha ku Igabana ry'Ubutegetsi iteganyanya ko Urukiko rw'Ikirenga rugizwe n'imitwe itandatu ikurikira:

- a) Umutwe ushinzwe Inkiko Gacaca
- b) Umutwe ushinzwe Inkiko
- c) Urukiko rusesa imanza
- d) Urukiko rurinda iremezo ry'Itegeko Nshinga

¹³ Ivugururwa ry'Itegeko Shingiro rya Repubulika y'u Rwanda, Igazeti ya Leta n° 9 yo ku wa 01/05/2000.

- e) Inama ya Leta
- f) Urukiko rw'imari ya Leta

Kuri iyi ngingo umushingamategeko w'u Rwanda yakoze ivugururwa ry'andi mategeko ajyanye nayo:

- Itegeko Ngenga n° 22/2000 ryo ku wa 11/10/2000 rihindura kandi ryuzuza Itegeko Teka n° 09/80 du 07/07/1980 rishyiraho igitabo cy'imiterere n'Ububasha by'Inkiko¹⁴ ;
- Itegeko Ngenga n° 23/2000 ryo ku wa 11/10/2000 rihindura kandi ryuzuza Itegeko ryo ku wa 23/02/1963 rigena imiterere y'Urukiko rw'Ikirenga¹⁵.

Ingingo ya 3 y'Itegeko Ngenga n° 22/2000 ryavuzwe haruguru, ishyira Inkiko Gacaca mu Nkiko zidasanzwe naho ingingo ya mbere iteganya ko imiterere, ububasha n'imikorere by'Inkiko Gacaca bishyirwaho n'Itegeko Ngenga ryihariye.

Ku birebana n'Itegeko Ngenga n° 23/2000, ryo mu ngingo ya 3 n'ya 4 zaryo riha Umutwe ushinzwe Inkiko Gacaca inshingano z'ingenzi zikurikira :

- Guhuza no kugenzura imirimo y'Inkiko Gacaca ku butaka bw'u Rwanda ;
- Gukurikiranira hafi umunsi ku wundi imikorere y'Inkiko Gacaca n'iyubahirizwa ry'amategeko n'amabwiriza ;
- Kugenzura Inkiko Gacaca ku buryo buhoraho hagamijwe kureba imigendekere y'imirimo yazo.

Ariko rero, mu rwego rwo kubahiriza ihame ry'ubwigenge bw'abacamanza, Umutwe ushinzwe Inkiko Gacaca, mu kuzuza inshingano zawo, ntugomba gutegeka Urukiko Gacaca mu buryo ubwo aribwo bwose uko rugomba guca urubanza. Amabwiriza ajyanye n'imikorere y'Inkiko Gacaca ashirwaho na Perezida w'Urukiko rw'Ikirenga amaze kugisha inama abagize biro yarwo.

¹⁴ Itegeko Ngenga n° 22/2000 ryo ku wa 11/10/2000 rihindura kandi ryuzuza Itegeko Teka n° 09/80 ryo ku wa 07/07/1980 rigena imiterere n'ububasha bw'Inkiko, *Igazeti ya Leta* n° 7 yo ku wa 01/04/2001.

¹⁵ Itegeko Ngenga n° 23/2000 ryo ku wa 11/10/2000 rihindura kandi ryuzuza itegeko ryo ku wa 23/02/1963 rigena imiterere y'Urukiko rw'ikirenga, *Igazeti ya Leta* n° 7 yo ku wa 01/04/2001.

A. Amatora y'Inyangamugayo

Amatora y'Inyangamugayo yabaye guhera ku itariki ya 4 kugeza kuya 07 Ukwakira 2001. Yagombaga gushyira abacamanza mu Nkiko Gacaca z'akagari, iz'Umurenge, iz'Akarere n'iz'Intara.

Iteka rya Perezida wa Repubulika n° 12/01 ryo ku wa 26 Kamena 2001 rigena imiterere y'amatora y'abagize inzego z'Inkiko Gacaca. Ayo matora yateguwe na Komisiyo y'Igihugu y'Amatora igizwe n'abantu 6 barimo Perezida na visi Perezida, bashyizweho na perezida wa Repubulika. Komisiyo yahawe manda y'amezi atatu. Komisiyo kandi yari ihagarariwe ku rwego rw'Intara n'Umujyi wa Kigali no ku rwego rw'uturere n'Imijyi.

Mu ngingo ya 7 y'iri Teka hateganywa ko umuntu utorerwa kuba Inyangamugayo mu Rukiko Gacaca rw'Akagari agomba kuba yujuje ibi bikurikira :

- Kuba ari Umunyarwanda ;
- Gutura mu Kagari ashaka kwiyamamarizamo ;
- Kuba afite nibura imyaka 21 y'amavuko ;
- Kuba indacyemwa mu mico no mu myifatire ;
- Kuba umunyakuri no kutanigana abandi ijambo;
- Kuba atarakatiwe ku buryo budasubirwaho n'Inkiko igihano cy'igifungo nibura cy'amezi 6 ;
- Kuba ataragize uruhare muri Jenocide ;
- Kutarangwa n'amacakubiri ;
- Kuba atarigeze yirukanwa kubera imyitwarire mibi.

Amatora araye ari bube, Perezida wa Repubulika yavuze ijambo rikubiyemo ubutumwa buhamagarira abantu kwitabira amatora ari benshi ubwo butumwa bwongeye gutangwa no ku munsu nyir'izina w'amatora. Amatora yaranzwe n'ubwitabire bushimishije bw'abaturage.

Nk'uko ingingo ya 2 y'ityo teka rya Perezida ibiteganywa, abagize Inteko y'Urukiko Gacaca rw'Akagali n'abo yohereza ku Rukiko Gacaca rw'Umurenge, batorwa n'Inama rusange y'Akagari igizwe n'abaturage bose b'abanyarwanda batuye ako Kagali bagejeje ku myaka 18 nibura n'abanyamahanga bamaze mu Rwanda igihe cy'umwaka nibura kandi bafite uruhushya rwo gutura. Inama Rusange yitoramo abantu 24 b'inyangamugayo, batanu muri bo boherezwa ku Rukiko Gacaca rw'Umurenge abasigaye 19 bagakora

Inteko y'Urukiko Gacaca rw'Akagari ari nabo bitoramo abagize Inama mpuzabikorwa igizwe na Perezida, abavisi Perezida babiri n'abanditsi babiri.

Abagize Inteko y'urukiko Gacaca rw'umurenge, Akarere cyangwa Umujyi, Intara cyangwa Umujyi wa Kigali n'aboherezwa ku rwego rwisumbuye batorwa n'Inama Rusange ya buri Rukiko Gacaca kandi iyo Nama Rusange ikaba igizwe nibura n'Inyangamugayo 50 zaturutse mu Nkiko Gacaca zo muri iyo fasi. Amatora yatangiraga saa moya za mugitondo akarangira saa kumi n'ebyiri z'umugoroba. Amatora yasozwaga n'irahira ry'abatowe muri buri Rukiko. Muri rusange amatora yagenze neza;

- Abaturage bitabiriye ari benshi cyane cyane igitsina gore ;
- Amatora yari ateguye neza cyane cyane kubirebana n'ibikoresho n'ubukangurambaga ku kamaro kayo ;
- Amatora yakozwe mu mucyo hubahirizwa uburenganzira bw'abatora n'abatorwa ;
- Ubuyobozi bwabaye maso bukosora amakosa ajyanye no kutubahiriza amabwiriza y'itora aho yagaragaye, bugera n'aho busaba ko amatora asubirwamo aho bibaye ngombwa ;
- Abaturage ntibagaragazaga gusa indangagaciro z'abiyamamazaga bagaragaza ubunyamugayo bwabo, batinyutse no kugaragaza ku mugaragaro abiyamamazaga batabikwiye.

Imbonerahamwe n° 6: Umubare w'Inyangamugayo hashingiwe ku gitsina

Intara/Umujyi wa Kigali	Igitsina				Igiteranyo
	Gabo		Gore		
	Umubare	%	Umubare	%	
Umujyi wa Kigali	1.433	59.3	985	40.7	2.418
Kigali Ngali	9.015	63	5.290	37	14.305
Gitarama	9.685	57.9	7.048	42.1	16.733
Butare	6.426	56.7	4.911	43.3	11.337
Gikongoro	7.757	62.2	4.724	37.8	12.481
Cyangugu	6.775	62.6	4.043	37.4	10.818
Kibuye	6.275	65.5	3.311	34.5	9.586
Gisenyi	10.329	76.1	3.238	23.9	13.567
Ruhengeri	12.854	77.3	3.781	22.7	16.635
Byumba	9.340	74.7	3.157	25.3	12.497
Umutara	3.915	68.3	1.814	31.7	5.729
Kibungo	7.245	58.4	5.154	41.6	12.399
Igiteranyo rusange	91.049	65.7	47.456	34.3	138.505

Byavuye : REPUBULIKA Y'U RWANDA, URWEGO RW'IGIHUGU RUSHINZWE INKIKO GACACA na CTB, *Raporo y'Ubushakashatsi ku cyazamura imibereho y'Inyangamugayo*, Kigali, 2005

B. Amahugurwa yo mu mwaka wa 2002

Inyangamugayo zifite uruhare rw'ibanze muri gahunda y'Inkiko Gacaca. Nibo bagomba gushyira mu bikorwa gahunda yashyizweho na Guverinoma bagakora ku buryo ukuri kujya ahagaragara ubutabera bugahabwa intebe. Kuri iyi ngingo, kuva mu ntangiriro hagaragajwe impungenge nyinshi cyane cyane izirebana n'ubushobozi bw'Inyangamugayo. Kubera iyo mpamvu, Inyangamugayo zagombaga guhugurwa. Kugira ngo bishoboke byabaye ngombwa guhera ku mahugurwa y'abazahugura Inyangamugayo.

Amahugurwa y'abazahugura Inyangamugayo

Abagombaga kuzahugura Inyangamugayo bari abantu basanzwe bafite ubumenyi ku bijyanye n'amategeko harimo abacamanza, abanyeshuri bo muri kaminuza mu ishami ry'amategeko n'impimbanyi z'uburenganzira bwa muntu. Amahugurwa yabo yamaraga iminsi 10 agatangirwa mu bigo by'amahugurwa bitandukanye.

Amahugurwa yibanze by'umwihariko ku Itegeko Ngenga n° 40/2000 ryo ku wa 26/01/2001 n'uburyo bwo kwigisha abantu bakuru. Ibibazo byaganirweho byatumye abahuguwe bagira ubumenyi rusange ku cyaha cya Jenocide muri rusange na Jenocide yakorewe Abatutsi by'umwihariko. Amahugurwa yatanze mu buryo bwo kungurana ibitekerezo buri wese akabigiramo uruhare. Uhugura yakanguraga amatsiko y'abahugurwa akoresheje urwunge rw'ibibazo byaganirwagaho mu matsinda. Ibyo byakurikirwaga no gushyira hamwe ibyavuye mu matsinda ari naho hatangwaga ibitekerezo ku bisubizo bya bya bibazo.

Abahuguye Inyangamugayo bahawe ibitabo by'amahugurwa bibiri « *Igitabo cy'imfashanyigisho y'amahugurwa y'abazahugura Inyangamugayo* » na « *Imfashanyigisho isobanura itegeko-ngenga rishyiraho inkiko Gacaca* » byateguwe hagamijwe koroshya amahugurwa y'Inyangamugayo.

1. Amahugurwa y'Inyangamugayo

Amahugurwa y'inyangamugayo yatangiye ku wa 09/04/2002 asoza ku wa 10/05/2002 Inyangamugayo zose zimaze guhugurwa. Amahugurwa yaranze n'umwuka mwiza wuje ubushake bwo gusobanukirwa, ubwoherane n'ubuvandimwe. Ingingo zari kuri gahunda y'amahugurwa n'izi zikurikira :

- Inshingano z'Inkiko Gacaca no kuzisesengura ;
- Amahame ngengamytwarire y'inyangamugayo ;
- Imikorere y'Inkiko Gacaca ;
- Imikoranire y'Inkiko Gacaca n'izindi nzego z'ubutabera cyangwa z'ubuyobozi (Umutwe ushinze Inkiko Gacaca, Gereza, Polisi, Ubushinjacyaha...) ;
- Kuzuza amafishi.

Ayo mahugurwa yahaye Inyangamuagayo ubushobozi bwo kuzuza inshingano zazo ariko umutwe ushinze Inkiko Gacaca ukaba warateganyije amahugurwa y'inyongera ahoraho agamije kongera ubushobozi bwazo.

Gutanga ubutabera nyuma ya Jenocide, nubwo byari bifite akamaro ntagereranywa, ingorane zijyanye nabyo ntizagombaga kubangamira umukoro wo kubaka ubumwe bw'umuryango nyarwanda ari nayo inshingano y'Inkiko Gacaca nk'umwimerere w'abanyarwanda ugamije guhangana n'imbaraga nke z'Inkiko zisanzwe hifashishijwe ubutabera bwunga, bwihuta kandi buri wese afitemo uruhare.

Umusanzu wa buri wese wari ngombwa kugira ngo icyiciro cy'icyitegererezo gitange umusaruro ushimishije.

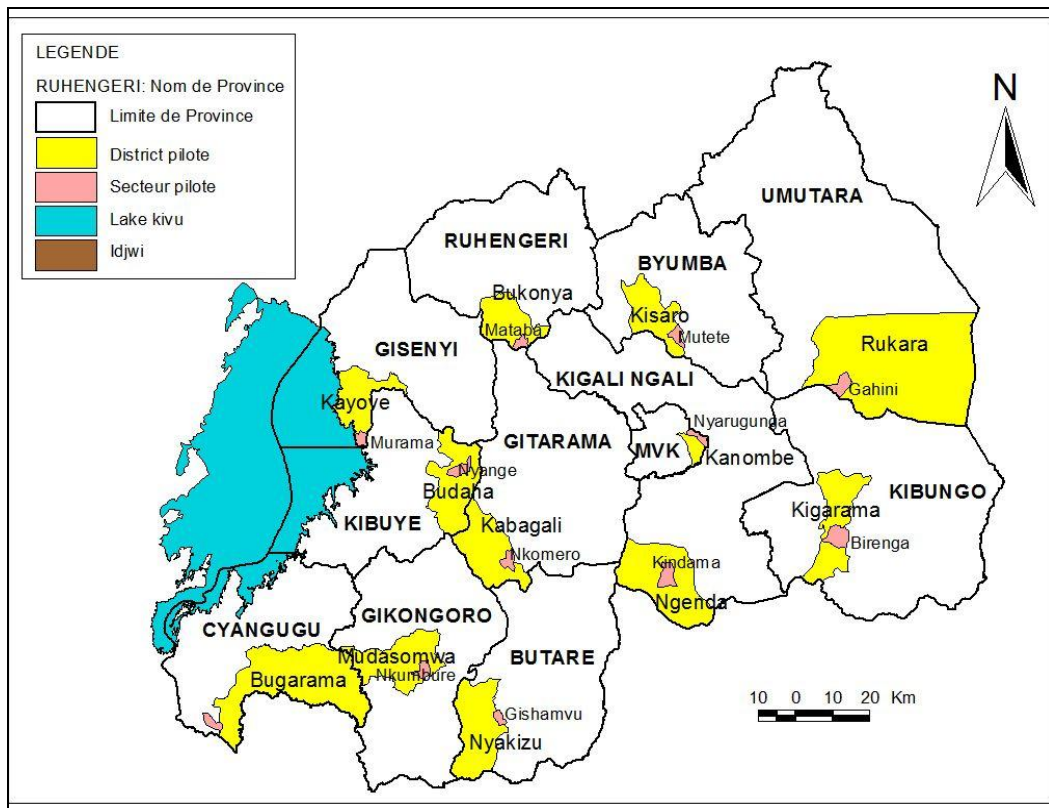
Igice cya II : ICYICIRO CY'ICYITEGEREREZO

Gahunda y'Inkiko Gacaca yatangijwe n'icyiciro cy'icyitegererezo. Intego y'icyo cyiciro yari iyo kugaragaza akamaro no kureberaho icyakorwa mu rwego rwo kuziha icyerekezo no kunoza ibijyanye n'imiterere n'imikorere yazo. Muri iki gice turavugaga ku bice bitandukanye byacyo bigizwe n'icyiciro cy'ikusanyamakuru n'icy'iburanisha.

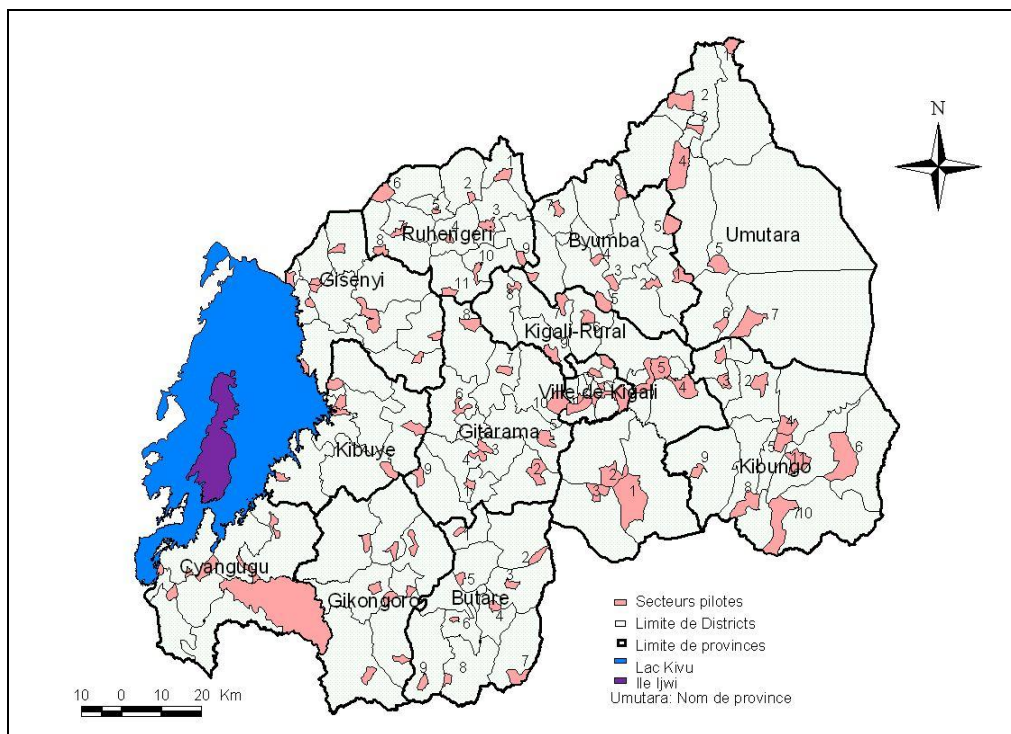
Umutwe wa mbere : IKUSANYAMAKURU

Gahunda y'Inkiko Gacaca yatangijwe ku mugaragaro na Nyakubhwa Paul KAGAME, Perezida wa Repubulika ku wa 18 Kamena 2002. Imirimo y'Inkiko Gacaca yatangiye ku Ikusanyamakuru mu masegiteri 12 mu Gihugu, imwe muri buri Ntara n'Umujyi wa Kigali. Ayo masegiteri ni aya akurikira : Nyarugunga (Umujyi wa Kigali), Kindama (Kigali Ngali), Birenga (Kibungo), Gahini (Umutara), Nzahaha (Cyangugu), Murama (Gisenyi), Nkomero (Gitarama), Mataba (Ruhengeri), Mutete (Byumba), Gishamvu (Butare), Nkumbure (Gikongoro) na Nyange (Kibuye). Umubare w'abafungwa bireze bakemera icyaha muri buri segiteri niwo cyane cyane washingiweho hatoranywa aya masegiteri.

Ikarita ikurikira yerekana Inkiko Gacaca 12 zatangirijwemo icyiciro cy'icyitegererezo



Ku wa 25 Ugushyingo z'uwo mwaka, ku masegiteri yari asanzwe akorerwamo Ikusanyamakuru hiyongereyeho andi 106, ni ukuvuga Segiteri imwe muri buri Karere cyangwa Umujyi nk'uko bigaragazwa n'ilkarita ikurikira.



Igika cya mbere : Imigendekere y'ikusanyamakuru, umusaruro n'amasomo ryatanze

Agaka ka 1 : Imigendekere y'ikusanyamakuru

Amakuru ajyanye na Jenocide atangirwa mu nama rusange esheshatu naho inama rusange ya karindwi igakora umurimo wo kuzusa dosiye ya buri wese washinjwe, gushyira mu nzego abaregwa no gushyikiriza izo dosiye Inkiko zifite ububasha bwo kuziburanisha¹⁶.

¹⁶ URUKIKO RW'IKIRENGA, UMUTWE USHINZWE INKIKO GACACA, *Gahunda y'Imirimo y'Urukiko Gacaca rw'Akagari(I)*, Kigali, Ugushyingo 2002, p. 4

a. Inama ya mbere

Igihe cy'Inama rusange ya mbere y'Urukiko Gacaca rw'Akagari, Inyangamugayo zisobanurira abaturage ibyiza by'Inkiko Gacaca n'inshingano zazo. Ni muri icyo nama kandi hemezwa umunsi Inama rusange izajya iteranaho buri cyumweru.

Umunsi wa mbere waranzwe no kwitabira kw'abayobozi, indorerezi zigenga nyinshi n'abaturage batagira ingano.

b. Inama ya kabiri

Muri icyo nama habarurwaga abantu bose bari batuye mu Kagari mbere y'itariki ya 06 Mata 1994. Abayikurikiranye bagaragaje ko yitabiriwe n'abaturage benshi

c. Inama ya gatatu n'iya kane

Iki cyiciro ni ingirakamaro mu Nkiko Gacaca kuko aricyo gihe Urukiko Gacaca rw'Akagari rwakoraga urutonde rw'abishwe haba abaguye mu Kagari cyangwa se abaguye ahandi. Nkuko byari byagenze mu zindi nama, n'iyi yitabiriwe n'abaturage benshi. Imiryango y'abishwe yaboneyeho kumenya neza ukuri ku makuru bari basanzwe batazi neza.

d. Inama ya gatanu

Mu nama ya gatanu bakoraga ibarura ry'imitungo ya buri muryango wahohotewe yasahuwe cyangwa yangijwe. Kuri iki cyiciro hakorwaga intonde z'abaregera ibyasahuwe cyangwa byangijwe, abantu bo mu muryango umwe bagashyirwa ku ifishi imwe. Ibyasahuwe cyangwa byangijwe bibarurirwa mu ruhame abahari bakaba aribo bemeza ukuri kw'ibyavuzwe kandi hakagaragazwa ibyishyuwe cyangwa ibyasubijwe bene byo.

e. Inama ya gatandatu

Buri wese mu bayitabiriye yasabwaga gutanga amakuru ku byo yabonye cyangwa yumvise igihe cya Jenoside. Inyangamugayo zibutsaga abaturage akamaro ko kwirega no kwemera icyaha. Inama ya gatandatu yasozwaga no gukora urutonde rw'abaregwa. icyo cyiciro cyahuye n'ingorane nyinshi kuko kititabiriwe bitewe nuko bamwe mu bagombaga kuitabira bashinjwaga. Ibyuzuzwaga ni ibi bikurikira

- Urutonde rw'abantu (umuryango ku muryango) bari batuye mu Kagari mbere ya Jenoside ;
- Urutonde rw'abantu baguye mu Kagari bazira Jenoside ;
- Urutonde rw'abantu bo mu Kagari biciwe ahandi ;
- Inyandiko zijyanye n'umutungo wangiye cyangwa wasahuwe wa buri muryango wahohotewe muri Jenoside (ifishi y'abaregera umutungo umuryango ku muryango) ;
- Inyandiko z'abifuza kwirega no kwemera icyaha ;
- Urutonde rw'abaregwa ;
- Ifishi ya buri wese uregwa.

Iki gikorwa cyakozwe hifashishijwe uburyo bubiri: gukusanyiriza amakuru hamwe umuryango ku muryango mu nama cyangwa gusaba abayobozi ba nyumbakumi gukora intonde z'imiryango n'abantu bari batuye akagari mbere ya Jenoside maze izo ntonde zikaganirwaho n'abaturage mu nama hagamijwe kuzikorera ubugororangingo. Ubu buryo bigaragara ko aribwo bwatanze umusaruro ushimishije kandi vuba.

f. Inama ya karindwi

Muri iyi nama Inteko yasozaga uyu murimo yuzuriza ifishi y'uregwa buri wese washinjwe igashyira abaregwa mu nzego kandi igashyikiriza amadosiye Inkiko zifite ububasha bwo kuyaburanisha.

Agaka ka 2 : Umusaruro w'ikusanyamakuru

Umusaruro w'icyiciro cy'ikusanyamakuru uragaragazwa n'imbonerahamwe ikurikira :

Imbonerahamwe n° 7: Umusaruro w'icyiciro cy'ikusanyamakuru

Intara/Umujiyi wa Kigali	Abireze bakemera icyaha imbere y'Urukiko Gacaca	Abafunguwe by'agateganyo	Abafunzwe by'agateganyo	Amadosiye yakozwe			
				Urwego rwa 1	Urwego rwa 2	Urwego rwa 3	Igiteranyo
Umujiyi wa Kigali	107	153	84	1.172	2.745	714	4.631
Kigali Ngali	321	44	98	615	6.265	1.765	8.645
Gitarama	594	4	4	596	6.324	939	7.859
Butare	256	19	76	247	2.598	1.100	3.945
Gikongoro	37	19	28	390	2.684	579	3.653
Cyangugu	53	49	8	504	2.487	637	3.628
Kibuye	340	4	0	531	3.073	761	4.365
Gisenyi	176	60	81	408	2.148	1.457	4.013
Ruhengeri	103	34	21	151	744	624	1.519
Byumba	75	6	6	57	809	669	1.535
Umutara	168	56	19	396	1.494	1.388	3.278
Kibungo	613	158	130	825	4.622	2.055	7.502
IGITERANYO	2.843	606	555	5.842	35.993	12.688	54.573

Byavuye: URWEGO RW'IGIHUGU RUSHINZWE INKIKO GACACA, Raporo yumwaka wa 2004, urupapuro rwa 24 n'urwa 26.

Ijanisha :

- Urwego rwa mbere : 10.8%
- Urwego rwa kabiri : 65.9%
- Urwego rwa gatatu : 23.3%

Agaka ka 3 : Amasomo yavuyemo

Nk'uko twabivuze, icyiciro cy'icyitegererezo cyari kigamijwe kunoza imikorere y'Inkiko Gacaca no kuvanamo amasomo yatuma imirimo yazo irushaho kugenda neza. Amasomo yavuye muri iki cyiciro yatumye habaho impinduka mu nzego z'Inkiko Gacaca no mu mikorere yazo. Muri ayo masomo twavugaga :

1. Hakenewe guhuza imbaraga hagamijwe gukurikirana, kugenzura no guhuza ibikorwa by'Inkiko Gacaca ;
2. Hakenewe kuvugurura Itegeko Ngenga n° 40/2000 ryo ku wa 26/01/2001 hagamijwe kunoza imikorere y'Inkiko Gacaca ;
3. Ubwitabire bw'abaturage bwagendaga bugabanuka, bigatuma imirimo y'inkiko Gacaca rimwe na rimwe igenda isubikwa ;
4. Umutekano w'abatangabuhamya n'abacitse ku icumu rya Jenocide warahungabanyeho ;
5. Abantu barushijeho kugaragaza ibimenyetso by'ihungabana ;
6. Byari ngombwa gusimbuza Inyangamugayo zataye ubupfura ;
7. Hagombaga gushyirwaho uburyo bwo guteza imbere imibereho y'abacitse ku icumu rya Jenocide.

Igika cya 2. Ivugururwa ry'imikorere y'Inkiko Gacaca

Nyuma yo kubona amasomo yavuye mu Ikusanyamakuru, byaragaragara ko impinduka zimwe na zimwe zari ngombwa kugira ngo imikorere y'Inkiko Gacaca irushaho kugenda neza. Izo mpinduka zibanze ku birebana no guhuza ibikorwa hamwe n'imikorere by'Inkiko Gacaca.

Agaka ka 1 : Urwego rw'Igihugu rushinzwe Inkiko Gacaca

Urwego rushinzwe guhuza ibikorwa by'Inkiko Gacaca rwashyizweho kandi rutandukanywa n'Urukiko rw'Ikirenga, ruba urwego rwiheriye rwitwa « Urwego rw'Igihugu rushinzwe gukurikirana, kugenzura no guhuza ibikorwa by'Inkiko Gacaca ». Uru rwego ruteganywa n'ingingo ya 152 y'Itegeko Nshinga rya

Repubulika y'u Rwanda ryo ku wa 04 Kamena 2003¹⁷; naho imiterere, inshingano n'imikorere yarwo bikagenwa n'Itegeko Ngenga n° 08/2004 ryo ku wa 28 Mata 2004.

Nk'uko biteganywa n'ingingo ya mbere y'iryo tegeko ngenga¹⁸, Urwego rw'Igihugu rushinzwe gukurikirana, kugenzura no guhuza imirimo y'Inkiko Gacaca rurigenga mu bijyanye no gucunga umutungo n'abakozi. Urwego rw'Igihugu rushinzwe gukurikirana, kugenzura no guhuza ibikorwa by'Inkiko Gacaca rushinzwe by'umwihariko ibi bikurikira ;

- Gukurikirana imikorere y'inkiko Gacaca no kuziha inama mu by'amategeko ;
- Kugeza ku Nkiko Gacaca ibikoresho bya ngombwa ;
- Gucungira hafi imikorere y'inkiko Gacaca n'iyubahirizwa ry'amategeko n'amabwiriza azigenga ;
- Gukurikiranira hafi no gufata ibyemezo bya ngombwa bigamije imigendekere myiza y'imirimo y'Inkiko Gacaca ;
- Guhuza ibikorwa byose bifitanye isano n'imikorere y'inkiko Gacaca.

Mu kuzuza inshingano zarwo, Urwego rw'Igihugu rushinzwe Inkiko Gacaca ntirushobora gutegeka urukiko Gacaca uko ruca urubanza.

Nyuma y'ishyirwaho ry'Urwego rw'Igihugu rushinzwe Inkiko Gacaca, imikorere y'izo nkikoyaravuguruwe cyane hashingiwe ku masomo yavuzwe haruguru yavuye mu cyiciro cy'icyitegererezo

Agaka ka 2 : Ivugururwa ry'Ikusanyamakuru

Uburyo bwo gukora ikusanyamakuru bwaravuguruwe inama zirindwi zivanwaho maze amakuru akusanywa ku rwego rwa buri Kagari hifashishijwe agatabo ka gahunda yo gukusanya amakuru akenewe mu Nkiko Gacaca kateguwe n'Urwego rw'Igihugu rushinzwe Inkiko Gacaca. Ikusanyamakuru ryakozwe mu byiciro bibiri aribyo :

¹⁷ Itegeko Nshinga rya Repubulika y'u Rwanda ryo ku wa 04/06/2003 nk'uko ryahinduwe kandi ryujijwe kugeza ubu, *Igazeti ya Leta* nimeronidasanze yokuwa 04/06/2003.

¹⁸ Itegeko Ngenga n° 08/2004 ryo ku wa 28/04/2004 rishyiraho kandi rigena imiterere n'imikorere by'Urwego rw'Igihugu rushinzwe gukurikirana, kugenzura no guhuza ibikorwa by'Inkiko Gacaca, *Igazeti ya Leta ya Repubulika y'u Rwanda* n° 9 yokuwa 01/05/2004.

- Gukusanyamakuru muri buri Kagari bikoze n'abaturage bafatanyije n'ubuyobozi;
- Kumurikira Inama rusange y'Akagari iyobowe n'Urukiko Gacaca rw'Akagari amakuru yakusanyijwe kugira ngo iyemeze.

Amakuru yakusanyijwe ari mu byiciro bitatu:

1. Amakuru ajyanye no kumenya uko Jenocide yateguwe mu Kagari;
2. Amakuru ajyanye n'uko jenocide yakozwe n'ingaruka zayo mu Kagari;
3. Amakuru ajyanye no kugaragaza no kumenya uruhare rwa buri wese uregwa kugira uruhare muri Jenocide.

Kugira ngo ayo makuru aboneke, Urwego rw'Igihugu rushinzwe Inkiko Gacaca rufatanyije n'inzego z'ubuyobozi bakoze ubukangurambaga bwo gukangurira abaturage gutanga amakuru n'ubuhamya arebana na Jenocide aho batuye cyangwa bari batuye. Buri Munyarwanda yibukijwe ko agomba kuvugisha ukuri ku byo yakozwe, ibyo azi ndetse n'ibyo yabonye cyangwa yumvise. By'umwihariko abagize uruhare muri Jenocide bibukijwe ko bakwiye gufata iya mbere bakitabira gahunda yo kwirega, kwemera icyaha, kwicuza no gusaba imbabazi.

Ubukangurambaga n'impinduka ku Ikusanyamakuru bwatumye haboneka amakuru akurikira:

1. Urutonde rw'abari batuye Akagari muri Nzeri 1990 ;
2. Urutonde rw'abari batuye Akagari muri Werurwe 1990 ;
3. Urutonde rw'abafashwe mu byitso ;
4. Urutonde rwa ba Nyirabayazana mu Kagari ;
5. Inama zo gutegura Jenocide mu Kagari n'abazigiyemo ;
6. Urutonde rw'abagombaga kwicwa mu Kagari ;
7. Amakuru ku itangwa ry'ibikoresho by'ubwicanyi mu Kagari ;
8. Abagize imitwe yitwara gisirikare ;
9. Bariyeri zashyizweho mu Kagali ;
10. Abiciwe mu Kagari bari batuyemo bazira jenocide ;

11. Abiciwe mu Kagali bavuye hanze yako bazira Jenoside;
12. Abiciwe hanze y'Akagali bari batuyemo bazira Jenoside ;
13. Abiciwe mu Kagari bari batuyemo bazira kutitabira Jenoside ;
14. Abiciwe mu Kagari bavuye hanze yako bazira kutitabira Jenoside ;
15. Abiciwe hanze y'Akagali bari batuyemo bazira kutitabira Jenoside ;
16. Aho bataye imirambo ;
17. Umutungo wangijwe cyangwa wasahuwe muri buri rugo ;
18. Ingo zagabweho ibitero muri buri Kagari ;
19. Aho abantu bahungiye mu Kagari ;
20. Abarokotse Jenoside muri buri rugo ;
21. Abatabaye abahigwaga mu Kagari ;
22. Ibitero byagabwe mu Kagari ;
23. Abamamaye mu bwicanyi mu Kagari ;
24. Urupfu rwa buri muntu wazize Jenoside ;
25. Umwirondoro w'Uregwa n'ibyo aregwa ;
26. Amafishi y'abaregwa.

Aya makuru n'ubu buhamya byakusanyirijwe mu nyandiko (amakayi n'amafishi) zatanzwe n'Urwego rw'Igihugu rushinzwe Inkiko Gacaca kandi buri bwoko bw'amakuru bwandikwaga hakurikijwe uburyo busobanutse bwagenwe¹⁹.

Ikusanyamakuru ryasozwaga no gukora amadosiye y'abaregwa (Ifishi y'Uregwa), kubashyira mu nzego no kuyohereza Inkiko Gacaca zifite ububasha bwo kuyaburanisha cyangwa ubushinjacyaha.

Agaka ka 3 : Impinduka mu mikorere y'Inkiko Gacaca

Imikorere y'Inkiko Gacaca yagiye ihinduka hagamijwe gukemura ibibazo zagendaga zihura nabyo cyane cyane mu gihe cy'ikusanyamakuru.

¹⁹ Urwego rw'Igihugu rushinzwe Inkiko gacaca, *Gahunda y'Ikusanyamakuru mu nkiko Gacaca*, urupapuro rwa 5, 2005.

A. Itegeko Ngenga n° 16/2004 ryo ku wa 19 Kamena 2004 rigena imiterere, ububasha n'imikorere y'Inkiko Gacaca

Iri Tegeko Ngenga²⁰ ryazanye impinduka ku birebana n'imiterere n'ububasha bw'Inkiko Gacaca ndetse no gushyira abaregwa mu nzego.

1. Impinduka zirebana n'imiterere n'ububasha

Abagize inama rusange y'Urukiko Gacaca rw'Umurenge barahindutse. Igizwe n'inyangamugayo zigize inteko zose z'Inkiko Gacaca ziri muri uwo murenge. Umubare w'inyangamugayo zigize inteko y'Urukiko Gacaca washyizwe ku bantu 9 n'abasimbura 5.

Imiterere n'umubare w'Inkiko Gacaca nyuma y'impinduka :

- Inkiko Gacaca z'Akagali : 9013
- Inkiko Gacaca z'Umurenge : 1545
- Inkiko Gacaca z'Ubujurire : 1545

Igiteranyo : 12 103

Inkiko Gacaca zo ku rwego rw'Uturere cyangwa Umujyi n'izo ku rwego rw'intara cyangwa Umujyi wa Kigali zavanyweho maze Inkiko Gacaca zisigara gusa ku rwego rw'Akagali n'urw'Umurenge. Izo Nkiko zifite ububasha bukurikira :

- Ibyaha birebana n'umutungo biburanishwa bwa mbere n'ubwa nyuma n'Urukiko Gacaca rw'Akagali ;
- Ibyaha by'ubwicanyi biburanishwa n'Urukiko Gacaca rw'Umurenge kandi bishobora kujurirwa mu Rukiko Gacaca rw'ubujurire ;

²⁰ Itegeko Ngenga n° 16/2004 ryo ku wa 19/6/2004 rigena imiterere, ububasha n'imikorere by'Inkiko Gacaca zishinzwe gukurikirana no gucira imanza abakoze ibyaha bya Jenocide n'ibindi byaha byibasiye inyokomuntu byakozwe hagati y'itariki ya mbere Ukwakira 1990 n'ya 31 Ukuboza 1994, *Igazeti ya Leta ya Repubulika y'u Rwanda* numero idasanze yo ku wa 19/06/2004.

Imanza ziburanishijwe hakurikijwe gahunda yo kwirega no kwemera icyaha kimwe n'izabakurikiranyweho icyaha cyo kwanga gutanga ubuhamya cyangwa gushyira ibikangisho ku bagize Inteko n'abatangabuhamya zishobora kujuririrwa kandi Inkiko Gacaca zifite ububasha bwo guhana abateza imidugararo igihe cy'iburanisha. Urubanza rwabaye ntakuka rwaciwe n'Urukiko rusanze rushobora gusubirwamo n'Urukiko Gacaca igihe cyose bigaragaye ko runyuranije n'ukuri kwagaragaye mu Nkiko Gacaca cyangwa iyo hatanzwe ibihano binyuranyije n'ibiteganywa n'Itegeko kuri ibyo byaha.

Inzego z'Inkiko Gacaca zagumyeho :

- Inama mpuzabikorwa
- Inteko
- Inama rusange

2. Impinduka zirebana no gushyira abaregwa mu nzego

Ibyaha bigize icyaha cya Jenocide byashyizwe mu nzego eshatu. Uretse ibyaha byo kwica urubozo n'ibyo gushinyagurira umurambo, urwego rwa mbere rugizwe n'ibyaha byari bisanzwe biteganywa n'Itegeko Ngenga ryo muri 2001, urwego rwa 2 n'urwa 3 zo mu Itegeko rya kera zarahujwe zikora urwego rwa 2, naho urwego rwa 4 rwahindutse urwa 3.

Imbonerahamwe n° 8 : Ibyaha n'ibihano biteganywa n'itegeko ryo mu mwaka wa 2004

Urwego	Ibyaha	Ibihano
1	1° umuntu wakoze ibyaha cyangwa ibikorwa by'ubufatanyacyaha bimushyira mu bacuze umugambi wa jenocide, abawuteguye, abawushishikarije abandi, abagenzuye n'abayoboze jenocide cyangwa ibindi byaha byibasiye inyokomuntu, hamwe n'ibytso bye; 2° umuntu wari icyo gihe mu nzego z'ubuyobozi: mu rwego rw'Igihugu, urwa Perefegitura, urwa Superefegitura n'urwa Komini, mu mashyaka ya politiki, mu Gisirikare, muri Jandarumori, Polisi ya Komini, mu madini cyangwa mu mitwe yitwara gisirikari ku buryo butemewe n'amategeko, akabayarakoze ibyo byaha cyangwa akoshya abandi kubikora, hamwe n'ibytso bye; 3° umwicanyi ruharwa wamamaye aho yari ari cyangwa aho yanyuze kubera umwete yagize mu bwicanyi cyangwa ubugome bukabije yabukoranye, hamwe n'ibytso bye; 4° umuntu wakoreye abandi ibikorwa by'iyicarubozo, kabone n'iyi byaba bitarabaviriyemo gupfa, hamwe n'ibytso bye; 5° umuntu wasambanyije undi ku gahato cyangwa wangije imyanya	bahanishwa igihano cyo kwicwa cyangwa igifungo cya burundu no kwamburwa burundu uburenganzira bwose umuntu afite mu Gihugu. bashyirwa ku rutonde rumanikwa ku biro by'Umurenge babarurirwamo.

	ndangabitsina, hamwe n'ibytso bye; 6° umuntu wakoze ibikorwa by'ubushinyaguzi ku murambo, hamwe n'ibytso bye. banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi, cyangwa bireze bakemera icyaha, bakicuza, bagasaba imbabazi ariko ntibyakirwe	
	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi nyuma yo gushyirwa ku rutonde rw' abaregwa	bahanishwa igifungo kuva ku myaka makumyabiri n'itanu (25) kugeza ku myaka mirongo itatu (30) no kwamburwa burundu uburenganzira bwose umuntu afite mu Gihugu. bashyirwa ku rutonde rumanikwa ku biro by'Umurenge babarurirwamo.
	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi mbere yo gushyirwa ku rutonde rw' abaregwa	bahanishwa igifungo kuva ku myaka makumyabiri n'itanu (25) kugeza ku myaka mirongo itatu (30) no kwamburwa burundu uburenganzira bwose umuntu afite mu Gihugu. bashyirwa ku rutonde rumanikwa ku biro by'Umurenge babarurirwamo.
2	1° umuntu wakoze icyaha cyangwa ibikorwa by'ubufatanyacyaha bimushyira mu mubare w'abishe cyangwa wagiriye abandi nabi bikabaviramo gupfa, hamwe n'ibytso bye; 2° Umuntu wakomerekeje cyangwa wagiriye abandi nabi agambiriye kubica ariko umugambi we ntawugereho,	bahanishwa igifungo cyo kuva ku myaka makumyabiri n'itanu (25) kugeza ku myaka mirongo itatu (30) no kwamburwa burundu uburenganzira bwo: a. gutora; b. gutorwa; c. kuba umutangabuhamya mu by'ubuhanga, mu byemezo no mu manza, uretse kuba

	hamwe n'ibitso bye; banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi, cyangwa bireze bakemera icyaha, bakicuza, bagasaba imbabazi ariko ntibyakirwe	yasiganuzwa bamupererezaho; d. gutunga no gutwara imbunda; e. kuba umusirikare; f. kuba umupolisi; g. gukora umurimo wa Leta ; h. kuba umwigisha cyangwa umuvuzi mu mirimo ya Leta cyangwa iy'abikorera ku giti cyabo. bashyirwa ku rutonde rumanikwa ku biro by'Umurenge babarurirwamo.
	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi nyuma yo gushyirwa ku rutonde rw' abaregwa	bahabwa igihano cy'igifungo gihera ku myaka cumi n'ibiri (12) kugeza ku myaka (15), ariko ku gihano cy'igifungo bahawe, kimwe cya kabiri bakakimara muri gereza, ikindi gisigaye bakakimara hanze, bakora imirimo nsimbura igifungo ifitiye Igihugu akamaro no kwamburwa burundu uburengazira bwo: a. gutora; b. gutorwa; c. kuba umutangabuhamya mu by'ubuhanga, mu byemezo no mu manza, uretse kuba yasiganuzwabamupererezaho; d. gutunga no gutwara imbunda; e. kuba umusirikare; f. kuba umupolisi; g. gukora umurimo wa Leta ; h. kuba umwigisha cyangwa umuvuzi mu mirimo ya Leta cyangwa iy'abikorera ku giti cyabo. bashyirwa ku rutonde rumanikwa ku biro by'Umurenge babarurirwamo.

bireze, bakemera icyaha, bakicuza, bagasaba imbabazi mbere yo gushyirwa ku rutonde rw' abaregwa	bahabwa igihano cy'igifungo gihera ku myaka irindwi (7) kugeza ku myaka cumi n'ibiri (12) ariko ku gihano cy'igifungo bahawe, kimwe cya kabiri bakakimara muri gereza, ikindi gisigaye bakakimara hanze, bakora imirimo nsimburagifungo ifitiye Igihugu akamaro no kwamburwa burundu uburengazira bwo: - gutura; - gutorwa; - kuba umutangabuhamya mu by'ubuhanga, mu byemezo no mu manza, uretse kuba yasiganuzwa bamupererezaho; - gutunga no gutwara imbunda; - kuba umusirikare; - kuba umupolisi; - gukora umurimo wa Leta ; - kuba umwigisha cyangwa umuvuzi mu mirimo ya Leta cyangwa iy'abikorera ku giti cyabo. bashyirwa ku rutonde rumanikwa ku biro by'Umurenge babarurirwamo.
3° umuntu wakoze cyangwa wafashije gukora ibindi byaha byakorewe abantu, atagambiriye kubica, hamwe n'ibytso bye. banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi, cyangwa bireze bakemera icyaha, bakicuza, bagasaba imbabazi ariko ntibyakirwe	bahanishwa igihano cy'igifungo gihera ku myaka itanu (5) kugeza ku myaka irindwi (7), ariko ku gihano bahawe, bakamara kimwe cya kabiri muri gereza, ikindi bakakimara hanze bafungishijwe ijisho, bakora imirimo ifitiye Igihugu akamaro. bashyirwa ku rutonde rumanikwa ku biro by'Umurenge babarurirwamo.

	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi nyuma yo gushyirwa ku rutonde rw' abaregwa	bahanishwa igihano cy'igifungo gihera ku myaka itatu (3) kugeza ku myaka itanu (5), ariko ku gihano bahawe, kimwe cya kabiri bakakimara hanze bafungishijwe ijisho, bakora imirimo ifitiye Igihugu akamaro. bashyirwa ku rutonde rumanikwa ku biro by'Umurenge babarurirwamo.
	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi mbere yo gushyirwa ku rutonde rw' abaregwa	bahanishwa igihano cy'igifungo gihera ku mwaka umwe (1) kugeza ku myaka itatu (3) ariko ku gihano cy'igifungo bahawe, kimwe cya kabiri bakakimara muri gereza, ikindi bakakimara hanze bafungishijwe ijisho, bakora imirimo ifitiye Igihugu akamaro. bashyirwa ku rutonde rumanikwa ku biro by'Umurenge babarurirwamo.
3	Umuntu wakoze gusa ibyaha byerekeranye n'umutungo.	Kuriha ibyo bangije. Icyakora, iyo uwangije n'uwangirijwe bumvikanye ubwabo cyangwa bakabikora imbere y'ubutegetsi cyangwa y'abatangabuhamya, mbere y'uko iri tegeko ngenga ritangira gukurikizwa, uwangije ntakurikiranwa.

Imbonerahamwe n° 9 : Ibihano biteganywa n'itegeko ryo mu mwaka wa 2004 bihabwa abana bari bafite imyaka 14 batarageza ku myaka 18

Urwego	Ibyaha	Ibihano
1	1° umuntu wakoze ibyaha cyangwa ibikorwa by'ubufatanyacyaha bimushyira mu bacuze umugambi, abawuteguye, abawushishikarije abandi, abagenzuye n'abayoboye jenocide cyangwa ibindi byaha byibasiye inyokomuntu, hamwe n'ibitso bye; 2° umuntu wari icyo gihe mu nzego z'ubuyobozi: mu rwego rw'Igihugu, urwa Perefegitura, urwaSuperefegitura n'urwa Komini, mu mashyaka ya politiki, mu Gisirikare, muri Jandarumori, Polisi yaKomini, mu madini cyangwa mu mitwe yitwara gisirikari ku buryo butemewe n'amategeko, akabayarakoze ibyo byaha cyangwa akoshya abandi kubikora, hamwe n'ibitso bye; 3° umwicanyi ruharwa wamamaye aho yari ari cyangwa aho yanyuze kubera umwete yagize mu bwicanyicyangwa ubugome bukabije yabukoranye, hamwe n'ibitso bye; 4° umuntu wakoreye abandi ibikorwa by'iyicarubozo, kabone n'iyi byaba	Bahanishwa igihano cy'igifungo gihera ku myaka icumi (10) kugeza ku myaka makumyabiri (20) no kwamburwa burundu uburenganzira bwose umuntu afite mu Gihugu. bashyirwa ku rutonde rumanikwa ku biro by'Umurenge babarurirwamo.

	bitarabaviriyemo gupfa, hamwen'ibytso bye; 5° umuntu wasambanyije undi ku gahato cyangwa wangije imyanya ndangabitsina, hamwe n'ibytso bye; 6° umuntu wakoze ibikorwa by'ubushinyaguzi ku murambo, hamwe n'ibytso bye. banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi, cyangwa bireze bakemera icyaha, bakicuza, bagasaba imbabazi ariko ntibyagirwe	
	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi nyuma yo gushyirwa ku rutonde rw' abaregwa	Bahabwa igihano cy'igifungo gihera ku myaka umunani (8) kugeza ku myaka icumi (10) no kwamburwa burundu uburenganzira bwose umuntu afite mu Gihugu. bashyirwa ku rutonde rumanikwa ku biro by'Umurenge babarurirwamo.
	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi mbere yo gushyirwa ku rutonde rw' abaregwa	Bahabwa igihano cy'igifungo gihera ku myaka umunani (8) kugeza ku myaka icumi (10) no kwamburwa burundu uburenganzira bwose umuntu afite mu Gihugu. bashyirwa ku rutonde rumanikwa ku biro by'Umurenge babarurirwamo.
2	1° umuntu wakoze icyaha cyangwa ibikorwa by'ubufatanyacyaha bimushyira mu mubare w'abishe cyangwa wagiriye abandi nabi	bahanishwa igifungo cyo kuva ku myaka umunani (8) kugeza ku myaka icumi (10) no kwamburwa burundu uburenganzira bwo: a. gutora;

	bikabaviramo gupfa, hamwe n'ibytso bye; 2° Umuntu wacomerekeje cyangwa wagiriye abandi nabi agambiriye kubica ariko umugambi we ntawugereho, hamwe n'ibytso bye; banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi, cyangwa bireze bakemera icyaha, bakicuza, bagasaba imbabazi ariko ntibyakinwe bireze, bakemera icyaha, bakicuza, bagasaba imbabazi nyuma yo gushyirwa ku rutonde rw' abaregwa	b. gutorwa; c. kuba umutangabuhamya mu by'ubuhanga, mu byemezo no mu manza, uretse kuba yasiganuzwa bamupererezaho; d. gutunga no gutwara imbunda; e. kuba umusirikare; f. kuba umupolisi; g. gukora umurimo wa Leta ; h. kuba umwigisha cyangwa umuvuzi mu mirimo ya Leta cyangwa iy'abikorera ku giti cyabo. bashyirwa ku rutonde rumanikwa ku biro by'Umurenge babarurirwamo. bahabwa igihano cy'igifungo gihera ku myaka itandatu (6) kugeza ku myaka irindwi (7) n'amezi atandatu (6),, ariko ku gihano cy'igifungo bahawe, kimwe cya kabiri bakakimara muri gereza, ikindi gisigaye bakakimara hanze, bakora imirimo nsimuragifungo ifitiye Igihugu akamaro no kwamburwa burundu uburengazira bwo: a. gutora; b. gutorwa; c. kuba umutangabuhamya mu by'ubuhanga, mu byemezo no mu manza, uretse kuba yasiganuzwabamupererezaho; d. gutunga no gutwara imbunda; e. kuba umusirikare; f. kuba umupolisi; g. gukora umurimo wa Leta ; h. kuba umwigisha cyangwa umuvuzi mu mirimo ya Leta cyangwa iy'abikorera ku giti cyabo. bashyirwa ku rutonde rumanikwa ku biro
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	by'Umurenge babarurirwamo.
bireze, bakemera icyaha, bakicuza, bagasaba imbabazi mbere yo gushyirwa ku rutonde rw' abaregwa	bahabwa igihano cy'igifungo gihera ku myaka itatu (3) n'amezi atandatu (6) kugeza ku myaka itandatu (6) ariko ku gihano cy'igifungo bahawe, kimwe cya kabiri bakakimara muri gereza, ikindi gisigaye bakakimara hanze, bakora imirimo nsimburagifungo ifitiye Igihugu akamaro no kwamburwa burundu uburengazira bwo: i. gutora; j. gutorwa; k. kuba umutangabuhamya mu by'ubuhanga, mu byemezo no mu manza, uretse kuba yasiganuzwa bamupererezaho; l. gutunga no gutwara imbunda; m. kuba umusirikare; n. kuba umupolisi; o. gukora umurimo wa Leta ; p. kuba umwigisha cyangwa umuvuzi mu mirimo ya Leta cyangwa iy'abikorera ku giti cyabo. bashyirwa ku rutonde rumanikwa ku biro by'Umurenge babarurirwamo.
3° Umuntu wakoze cyangwa wafashije gukora ibindi byaha byakorewe abantu, atagambiriye kubica, hamwe n'ibitso bye. banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi, cyangwa bireze bakemera icyaha, bakicuza, bagasaba	bahanishwa igihano cy'igifungo gihera ku my aka ibiri (2) n'amezi atandatu (6) kugeza ku myaka itatu (3) n'amezi atandatu (6), ariko ku gihano bahawe, bakamara kimwe cya kabiri muri gereza, ikindi bakakimara hanze, bakora imirimo ifitiye Igihugu akamaro. bashyirwa ku rutonde rumanikwa ku biro

	imbabazi ariko ntibyakirwe	by'Umurenge babarurirwamo.
	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi nyuma yo gushyirwa ku rutonde rw' abaregwa	bahanishwa igihano cy'igifungo gihera ku mwaka umwe (1) n'amezi atandatu (6) kugeza ku myaka ibiri (2) n'amezi atandatu (6), ariko ku gihano bahawe, kimwe cya kabiri bakakimara hanze, bakora imirimo ifitiye Igihugu akamaro. bashyirwa ku rutonde rumanikwa ku biro by'Umurenge babarurirwamo.
	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi mbere yo gushyirwa ku rutonde rw' abaregwa	bahanishwa igihano cy'igifungo gihera ku mwaka umwe (1)n' amezi atandatu (6) kugeza ku myaka ibiri (2) n'amezi atandatu (6) ariko ku gihano cy'igifungo bahawe, kimwe cya kabiri akakimara muri gereza, ikindi bakakimara hanze, bakora imirimo ifitiye Igihugu akamaro. bashyirwa ku rutonde rumanikwa ku biro by'Umurenge babarurirwamo.
3	Umuntu wakoze gusa ibyaha byerekeranye n'umutungo.	Kuriha ibyo bangije. Icyakora, iyo uwangije n'uwangirijwe bumvikanye ubwabo cyangwa bakabikora imbere y'ubutegetsu cyangwa abatangabuhamya, mbere y'uko iri tegeko ngenga ritangira gukurikizwa, uwangije ntakurikiranwa.

3. Amahugurwa ku Itegeko Ngenga n° 16/2004

Nyuma y'izi mpinduka byabyaye ngombwa guhugura Inyangamugayo ku Itegeko rishya rigenga Inkiko Gacaca no kuri gahunda nshya yo gukusanya amakuru. Amahugurwa yakozwe kuva ku itariki ya 26 Nyakanga kugeza ku ya 09 Nzeri 2004.

Inzego zitandukanye za Leta n'izitayegamiyeho zagize uruhare runyuranye mu gutegura amasomo no kuyigisha muri aya mahugurwa. Imbonerahamwe ikurikira irerekana amasomo yatanze n'inzego zayateguye.

Imbonerahamwe n° 10: Amasomo yatanze mu mahugurwa yo muri Nyakanga 2004 n'inzego zayateguye

N°	Isomo	Urwego rwateguye isomo
1.	Itegeko Ngenga n° 16/2004 ryo ku wa 19 Kamena 2004 rigenga Inkiko Gacaca	Urwego rw'Igihugu rushinzwe Inkiko Gacaca
2.	Ihungabana n'uburyo bwo gufasha ugize ihungabana mu Nkiko Gacaca	Minisiteri y'ubuzima
3.	Umutekano muri Gahunda y'Inkiko Gacaca	Polisi y'Igihugu
4.	Imikorere y'Inkiko Gacaca z'Akagari mu gihe cy'Ikusanyamakuru	Urwego rw'Igihugu rushinzwe Inkiko Gacaca
5.	Imyitwarire y'abahuzabikorwa b'Inkiko Gacaca mu gukurikirana imirimo yazo	Urwego rw'Igihugu rushinzwe Inkiko Gacaca
6.	Ubutabera bwunga	Komisiyo y'Igihugu y'ubumwe n'Ubwiyunge
7.	Gukumira no gukemura amakimbirane	Komisiyo y'Igihugu y'ubumwe n'Ubwiyunge
8.	Kuyobora amatsinda	Komisiyo y'Igihugu y'ubumwe n'Ubwiyunge
9.	Iyubahirizwa ry'Uburenganzira bwa muntu mu Nkiko Gacaca	Komisiyo y'Igihugu y'uburenganzira bwa Muntu
10.	Igihugu, Ubwenegihugu n'inshingano z'umunyagihugu	Komisiyo y'Igihugu y'Uburenganzira bwa Muntu
11.	Igihano Nsimburagifungo cy'imirimo ifitiye Igihugu Akamaro (TIG)	Ubunyamabanga Nshingwabikorwa bw'Imirimo ifitiye Igihugu Akamaro
12.	Uko bafasha uwasambanyijwe ku gahato	IRC
13.	Imyitwarire y'Indorezezi mu Nkiko Gacaca	PAPG

Abanyamabanga Nshingwabikorwa b'Imirenge bari mu bahuguwe kubera uruhare runini bari bafite mu Ikusanyamakuru no muri gahunda yose y'Inkiko Gacaca.

4. Gutegurira Inyangamugayo icyiciro cy'iburanisha

Mu rwego rwo gutegura Inyangamugayo ku cyiciro cy'iburanisha, habaye andi mahugurwa yari agenewe cyane cyane Inyangamugayo z'Inkiko Gacaca z'umurenge n'ubujurire kuva ku itariki ya 22 Ugushyingo 2004 kugeza kuya 07 Mutarama 2005.

Amahugurwa yibanze by'umwihariko ku Itegeko n°16/2004 ryo ku wa 19 Kamena 2004 rigenga Inkiko gacaca no kuri gahunda y'iburanisha mu Inkiko Gacaca. Abahuzabikorwa b'Inkiko Gacaca nabo bahuguriwe icyiciro cy'iburanisha cyari kigiye gutangira, andi mahugurwa agenewe Inyangamugayo yakozwe mu mwaka wa 2005. Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwashyize mu byihutirwa amahugurwa ahoraho agenewe Inyangamugayo hagamijwe imigendekere myiza y'imirimo y'Inkiko Gacaca cyane cyane icyiciro cy'iburanisha.

Iyo Urukiko Gacaca rw'Akagari rurangije gushyira abaregwa mu nzego, rushyikiriza Ubushinjacyaha amadosiye yo mu rwego rwa mbere, ayo mu rwego rwa kabiri rukayashyikiriza urukiko Gacaca rw'umurenge naho ayo mu rwa gatatu akaburanishwa n'urukiko Gacaca rw'Akagari. Twibutse ko Inkiko Gacaca zifite ububasha bwo kuburanisha amadosiye yo mu rwego rwa kabiri n'urwa gatatu : Inkiko Gacaca z'Umurenge n'iz'Ubujurire ziburanisha amadosiye yo mu rwego rwa kabiri naho iz'Akagari ziburanisha bwa mbere n'ubwa nyuma ayo mu rwego rwa gatatu.

Umutwe wa II : IBURANISHA

Icyiciro cy'Iburanisha mu Mirengi 118 y'icyitegererezo cyatangijwe ku itariki ya 10 Werurwe 2005.

Igika cya mbere: Gahunda rusange y'iburanisha mu Nkiko Gacaca

Kuburanishwa mu Nkiko Gacaca byakurikizaga uburyo buri kuri gahunda. Abagize Inama mpuzabikorwa batoranyaga amadosiye bashingiye ku ngingo zikurikira²¹ :

1. Abireze bakemera icyaha barekuwe by'agateganyo ;
2. Abireze bakemera icyaha bagifunze ;
3. Abireze bakemera icyaha batigeze bafungwa ;
4. Abarwaye indwara zidakira ;
5. Abari bafite kuva ku myaka 14 bataruzuzwa 18 igihe bakoraga ibyaha ;
6. Abageze mu zabukuru bafite nibura imyaka 70 y'amavuko ;
7. Abaregwa bafunze batireze ;
8. Abakurikiranywe badafunze batireze.

Umntu wese uhamagajwe n'Urukiko, yaba uregwa, uwahohotewe cyangwa undi wese, agomba gushyikirizwa ihamagara hasigaye nibura iminsi 7 ngo iburanisha ribeho. Iyo minsi ibarwa uhareye ku munsu ukurikira uwo yahereweho ihamagara. Iyo uhamagarwa adafite aho atuye cyangwa abarizwa hazwi mu Rwanda, igihe cyo kumhamagara kingana n'ukwezi kumwe. Umwanditsi w'Urukiko, we ubwe cyangwa abifashijwemo n'izindi nzego, amanika inyandiko y'hamagara ku cyicaro cy'Urukiko rugomba kuzamuburanisha, ku biro by'Uture, iby'Intara cyangwa Umujyi wa Kigali. Kopi y'hamagara ishobora kumanikwa ahantu hagenewe kumanikwa inyandiko zose zigenewe rubanda.

Gutanga ihamagara bikorwa n'Umwanditsi w'Urukiko Gacaca kandi ihamagara rigashyikirizwa uregwa binyujijwe mu nzego z'ubuyobozi bw'ibanze cyangwa se ubuyobozi bw'aho afungiyeye. Uwahamagawe wanze kwitaba azanwa ku ngufu za Leta.

²¹ Urwego rw'Igihugu rushinzwe Inkiko Gacaca, *Gahunda y'Iburanisha mu Nkiko Gacaca*, Mutarama 2005, p. 3

Mbere yo gutangira iburanisha iryo ari ryo ryose, Perezida asaba abaje gukurikirana urubanza gufata umunota umwe wo kwibuka abazize Jenocide, gutekereza ku ngaruka zayo n'uruhare rwa buri wese mu guhangana nazo. Mbere yo gutanga ubuhamya, umutangabuhamya abanza kurahirira kuvugisha ukuri muri aya magambo « *Ntanze Imana ho umuhamya ko ibyo ngiye kuvuga ari ukuri* ». Abaturage bibutswa ko kwanga gutanga amakuru, gutanga ubuhamya bw'ibinyoma kimwe no gushyira ibikangisho ku bagize Inteko cyangwa abatangabuhamya bihanirwa n'amategeko. Perezida yibutsa kandi uregwa inyungu zo kwirega no kwemera icyaha.

Gufata ijambo mu Nkiko Gacaca bikurikiza amahame 8 akurikira²² :

1. Kugira ngo umuntu ahabwe ijambo agomba kurisaba, atera urutoki hejuru ;
2. Perezida w'inteko niwe utanga ijambo ;
3. Ijambo rihabwa bwa mbere abaturuka kure, abakuze n'abafite ibibazo by'urugendo ;
4. Uvuga agomba guharanira kuvugisha ukuri ;
5. Ntawe ugomba kurogoya ufite ijambo ;
6. Birabujijwe gutukana, guhutaza cyangwa gutera ubwoba ;
7. Ntawe ugomba kwizimba mu magambo ;
8. Ntawe ugomba kuvuga ku kindi kibazo uretse ikiri ku murongo w'ibyigwa.

Uburyo bwo kuburanisha butandukana hashingiwe ku ngingo zikurikira :

- Urukiko uregwa aburaniramo ;
- Ko uregwa yirega cyangwa atirega ngo yemere icyaha ;
- Ko uregwa afite aho atuye hazwi cyangwa hatazwi mu Rwanda²³.

Iyo iburanisha ripfundikiwe cyangwa Inteko igomba gufata icyemezo ku nzitizi nk'iyo kwihana imwe mu Nyangamugayo ziyigize, abagize Inteko bajya mu mwiherero gufata icyemezo kijyanye nabyo. Icyemezo gifatwa ku bwumvikane byanirirana kigafatwa hashingiwe ku bwiganze burunduye bw'amajwi y'abagize Inteko.

²² Idem, p. 3.

²³ URWEGO RW'IGIHUGU RUSHINZWE INKIKO GACACA, *Procédure de jugement dans les Juridictions Gacaca*, Kigali, 2005.

Igika cya 2. Inzira zo kujurira mu Nkiko Gacaca

Inzira zo Kujurira ziteganywa n'Itegeko Ngenga n° 16/2004 ryo ku wa 19 Kamena 2004 ni izi zikurikira : Gusubirishamo urubanza, kujurira no gusubiramo urubanza.

Agaka ka 1 : Gusubirishamo urubanza

Ibyemezo byose byafashwe n'Urukiko Gacaca mu manza zaburanishijwe umwe mu baburanyi adahari bishobora gusubirishwamo. Gusubirishamo urubanza bikorerwa mu rukiko Gacaca rwaruciye mbere. Gusubirishamo ryakirwa gusa iyo umuburanyi utaritabiriye urubanza agaragaje impamvu ikomeye kandi yumvikana yamubujije kwitabira urubanza. Urukiko rusuzuma mu bushishozi bwawo ishingiro ry'impamvu zatanze. Igihe cyo gusubirishamo urubanza ni iminsi 15 ibarwa uhereye igihe uwaburanishijwe adahari yamenyesherejwe imikize y'urubanza. Ni ngombwa kwibutsa ko iyo uwasabye gusubirishamo urubanza yongeye kutarwitabira aba atagifite uburenganzira bwo kongera kurubirishamo.

Agaka ka 2 : Kujurira

Ibyemezo byose byafashwe n'Inkiko Gacaca bishobora kujurirwa uretse ibijyanye n'umutungo. Urukiko Gacaca rw'umurenge ruburanisha ubujurire ku byemezo byafashwe n'Inkiko Gacaca z'Akagari ziri mu ifasi yarwo. Urukiko Gacaca rw'ubujurire ruburanisha ubujurire ku byemezo byafashwe mu rwego rwa mbere n'Urukiko Gacaca rw'Umurenge rwo mu ifasi yarwo.

Igihe cyo kujurira ni iminsi 15 uhereye igihe urubanza rwaburanishijwe ababuranyi bese bahari cyangwa ikabarwa uhereye ku muni ukurikira igihe uwaburanishijwe adahari yamenyesherejwe imikize y'urubanza iyo nta gusubirishamo kwabayeho.

Agaka ka 3 : Gusubiramo urubanza

Nk'uko ingingo ya 93 y'Itegeko Ngenga n° 16/2004 ryo ku wa 19 Kamena 2004, urubanza rushobora gusubirwamo kubera impamvu zikurikira :

- Umuntu wagizwe umwere n'urubanza rwaciwe ku buryo budasubirwaho n'Urukiko rusanzwe, nyuma bikaza kugaragara mu rukiko Gacaca ko ari umunyacyaha;
- Umuntu wari wagizwe umunyacyaha n'urubanza rwaciwe ku buryo budasubirwaho n'Urukiko rusanzwe, nyuma bikaza kugaragara mu rukiko Gacaca ko ari umwere ;
- Umuntu wahanishijwe igihano kinyuranyije n'amategeko hakurikijwe ibyaha bimuhama

Urukiko Gacaca rw'ubujurire nirwo rwonyine rufite ububasha bwo gusubiramo imanza zaciwe muri ubwo buryo.

Igika cya 3. Ibyagezweho n'Inkiko Gacaca, imbogamizi n'ingamba zafashwe

Agaka ka 1 : Ibyagezweho n'Inkiko Gacaca

Nyuma yo kuvugurura no kongera imbaraga muri gahunda y'Inkiko Gacaca, imirimo yazo y'iburanisha yarihuse cyane ndetse nyuma y'igihe gito igera ku musaruro w'ingenzi ushobora gushyirwa mu bice bikurikira :

Imbonerahamwe n° 11 : Uko iburanisha ryari rihagaze kuva ku wa 10/03/2005 kugeza ku wa 14/07/2006 mu Mirenge y'icyitegererezo

Intara	Akarere	Amadosiye yo mu rwego rwa 2 yahawe Inkiko	Abireze bakemera icyaha mbere yo kuburanishwa	Abireze bakemera icyaha mu rubanza	Abireze bakemera icyaha bikemerw a	Ababura- nishijwe
Amajyepfo	Kamonyi	1099	948	0	115	266
	Nyamagabe	1556	250	28	208	318
	Gisagara	675	174	91	154	262
	Nyanza	1010	15	64	122	212
	Nyaruguru	1029	113	21	120	237
	Huye	876	155	64	134	214
	Ruhango	2141	348	40	80	264
	Muhanga	1124	121	130	129	214
	Igiteranyo	9510	2124	438	1062	1987

Amajyaruguru	Gakenke	541	128	57	136	219
	Musanze	290	23	2	22	100
	Burera	36	5	16	15	29
	Gicumbi	857	44	143	159	297
	Rulindo	1308	205	25	198	495
	Igiteranyo	3032	405	243	530	1140
Iburasirazuba	Ngoma	2436	1398	126	393	569
	Kayanza	1847	227	54	192	380
	Gatsibo	776	41	23	35	198
	Bugesera	2853	559	472	241	363
	Rwamagana	800	41	14	60	158
	Nyagatare	236	7	2	9	131
	Kirehe	1297	169	14	64	102
	Igiteranyo	10245	2442	705	994	1901
Iburengerazuba	Rutsiro	1830	324	13	134	305
	Nyabihu	193	7	0	12	59
	Rubavu	1058	43	19	47	300
	Ngororero	1098	239	102	310	475
	Karongi	1427	125	96	107	214
	Nyamasheke	1754	124	73	174	332
	Rusizi	1127	18	87	99	312
	Igiteranyo	8487	880	390	883	1997
Umujyi wa Kigali	Gasabo	1685	90	79	143	259
	Nyarugenge	1195	72	28	67	160
	Kicukiro	1233	132	22	80	277
	Igiteranyo	4113	294	129	290	696
	Igiteranyo rusange	35387	6145	1905	3759	7721

Agaka ka 2 : Imbogamizi zagaragaye mu cyiciro cy'icyitegererezo

- Ingengabitekerezo ya Jenocide yakomeje kwigaragaza;
- Gutera ubwoba abacitse ku icumu rya Jenocide n'abatangabuhamya;
- Kwangiza ibikoresho byakoreshwaga mu Ikusanyamakuru (utubati, amakayi, amafishi n'ibindi...) ;

- Inyangamugayo zishinjwa kugira uruhare mu byaha bya Jenocide (habaruwe Inyangamugayo 1.226)²⁴ ;
- Abayobozi bashinjwa kugira uruhare muri jenocide ;
- Kwanga gutanga ubuhamya ;
- Kwimuka kw'abaturage bajya mu Ntara aho batabazi;
- Impunzi zihunga Gacaca ;
- Kwirega ibice bigatuma inzego z'abaregwa zihinduka cyangwa bagahabwa ibihano biremereye ;
- Ihungabana rikomeye (habaruwe 193)²⁵.

Agaka ka 3 : Ingamba zafashwe:

Gukore ubukangurambaga rusange mu baturage bose bugamije kubakangurira kwitabira gahunda y'Inkiko Gacaca kuri buri wese no gutanga umuganda kuri cyiciro na buri rwego rw'umuryango nyarwanda kugira ngo Inkiko Gacaca zizashobore kugera ku nshingano zazo. Ubwo bukangurambaga kandi bwaherekejwe by'umwihariko n'ingamba zikurikira :

- Gukangurira abakoze ibyaha bya Jenocide kwirega, kwemera icyaha, kwicuza no gusaba imbabazi;
- Kurwanya ibikorwa by'itoteza no gushyira ibikangisho ku batangabuhamya n'abacitse ku icumu rya Jenocide ;
- Gufata ingamba ku mutekano w'ibikoreshe by'Inkiko Gacaca ;
- Kwita ku bahungabanye ;
- Kongera ubushobozi bw'Inyangamugayo binyuze mu mahugurwa ahoraho ;
- Gusimbura Inyangamugayo zishinjwa Jenocide.

Umusaruro ushimishije watanze n'icyiciro cy'icyitegererezo, haba mu ikusanyamakuru cyangwa mu iburanisha ariko cyane cyane ubushake bw'abanyarwanda bwo gukemura ikibazo cy'imanza za Jenocide hagamijwe guhuriza hamwe ingufu ku iterambere ry'Igihugu, watumye imirimo y'Inkiko Gacaca itangizwa mu Gihugu hose.

²⁴ Urwego rw'Igihugu rushinzwe Inkiko Gacaca , Raporo y'ibikorwa by'inkiko Gacaca mu cyiciro cy'icyitegererezo, Kigali, 2005, p. 31.

²⁵ Ibid.

IGICE CYA III. GAHUNDA Y'INKIKO GACACA MU GIHUGU HOSE

Imirimo y'Inkiko Gacaca mu Gihugu hose, mu Nkiko zose yatangijwe na Nyakubahwa Perezida wa Repubulika Paul KAGAME ku itariki ya 24 Kamena 2004. Ni ukuvuga ko kuri uwo munsu Inkiko Gacaca z'Akagari 9013, Inkiko Gacaca z'Umurenge 1545 n'Inkiko Gacaca z'ubujurire 1545 zahawe uburenganzira bwo gutangira imirimo yazo ku mugaragaro, zishingiye ku bubasha bwa buri Rukiko, ni ukuvuga ikusanyamakuru kw'icurwa ry'umugambi wa Jenocide yakorewe Abatutsi n'ibindi byaha byibasiye inyokomuntu byakozwe hagati y'itariki ya mbere Ukwakira 1990 n'ya 31 Ukuboza 1994, uko byateguwe n'uko byashyizwe mu bikorwa ndetse n'iburanisha.

Umutwe wa mbere : ICYICIRO CY'IKUSANYAMAKURU MU GIHUGU HOSE

Imirimo y'ikusanyamakuru mu Gihugu hose yatangiye ku itariki ya 15 Mutarama 2005 itangizwa mu Nkiko Gacaca z'Akagali 8262 ziyongera ku Nkiko Gacaca z'Akagali 751 zo mu cyiciro cy'icyitegererezo.

Mbere yo gutangiza ikusanyamakuru nyirizina, kuva ku itariki ya 26 Nyakanga kugeza ku ya 9 Nzeri 2004, Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwahuguye abantu bose bari kugira uruhare muri gahunda y'Inkiko Gacaca by'umwihariko Inyangamugayo, ku Itegeko Ngenga rishya no kuri gahunda yo gukusanya amakuru nk'uko yanditse mu gatabo kitwa « Gahunda yo gukusanya amakuru akenewe mu Nkiko Gacaca ».

Ibikoresho bigizwe n'umubare munini w'udutabo twavuzwe haruguru dukubiyemo imiterere y'amafishi yuzuzwa, amakayi, rejisitiri, amakaramu n'uducamurongo byatanze na Guverinoma y'u Rwanda binyujijwe mu Ngengo y'Imari yagenewe Urwego rw'Igihugu rushinzwe Inkiko Gacaca.

Kugira ngo haboneke amakuru menshi kandi n'abaturage bitabire ku buryo bushimishije, ikusanyamakuru ryabanje gukorera mu ifasi y'ubuyobozi ya Nyumbakumi ari nayo fasi ntoya y'ubuyobozi mu Kagari. Nyuma yo kubona amakuru ya buri Nyumbakumi muri buri Kagari, ayo makuru yashyizwe hamwe hagamijwe gushyira ahabona amakuru yose y'Akagari.

Nyuma yo kubona amakuru y'Akagari, hakoze ikusanyamakuru mu magereza, abagororwa n'abafungwa bakajya hamwe hakurikijwe Utugari bakomokamo cyangwa bari batuyemo igihe ibyaha byakorwaga.

Amakaye akubiyemo amakuru yakusanyijwe n'abagororwa n'abafungwa yegeranyijwe n'ubuyobozi bwa buri Gereza buyohereza Urwego rw'Igihugu rushinzwe Inkiko Gacaca narwo ruyashyikiriza Inkiko Gacaca z'Akagari bireba kugira ngo ziyemeze.

Nyuma yo guhuza amakuru yatanze n'abagororwa n'ayatanze n'abaturage, Inama Rusange y'Urukiko Gacaca rw'Akagali yakurikizagaho kuyemeza no gukora urutonde rw'abaregwa.

Igika cya mbere : Kwemeza amakuru

Kwemeza amakuru byari bigamije kugaragariza inama rusange y'Urukiko Gacaca rw'Akagali, amakuru yose yakusanyijwe kugeza icyo gihe ku birebana n'itegurwa n'ishyirwa mu bikorwa rya Jenoside mu Kagali kugira ngo iyemeze. Kwemeza amakuru byakurikirwaga no kuyandukura muri za regisitiri zifashishwa nk'ikigega cy'amakuru n'Urukiko Gacaca rw'Akagali.

Ingorane ikomeye yagaragaye mu cyiciro cyo kwemeza amakuru yabaye iyo kuzanamo impaka zivuguruzanya, nubwo bwose Urwego rw'Igihugu rushinzwe Inkiko Gacaca rutahwemaga kwibutsa ko ikusanyamakuru ari icyiciro kibanziriza iburanisha kandi kitagomba kwitiranywa naryo.

Igika cya 2. Gukora urutonde rw'abaregwa

Gukora urutonde rw'abaregwa kugira uruhare muri Jenoside ruzwi ku izina ry'« Urutonde rw'abaregwa » bikorwa n'Urukiko Gacaca rw'Akagari rushingiye ku byaha buri muntu ashinjwa mu makuru yemejwe n'Inama Rusange y'Akagari.

Igiteranyo rusange cy'abantu bashyizwe ku rutonde rw'abaregwa nyuma y'icyiciro cy'ikusanyamakuru mu Igihugu hose, cyakozwe ku wa 30 Kamena 2006 cyari abantu 818.564 nk'uko bigaragara mu mbonerahamwe ikurikira :

Imbonerahamwe n° 12 : Igiteranyo cy'abantu bashyizwe ku rutonde rw'abaregwa

a) INTARA Y'AMAJYARUGURU

Akarere	Urwego rwa 1	Urwego rwa 2	Urwego rwa 3	Igiteranyo
Burera	68	521	462	1051
Gakenke	948	9026	8694	18668
Gicumbi	533	3069	2982	6584
Musanze	365	2630	2139	5134
Rulindo	800	10257	8121	19178
Igiteranyo	2 714	25 503	22 398	50 615

b) INTARA Y'AMAJYEPFO

Akarere	Urwego rwa 1	Urwego rwa 2	Urwego rwa 3	Igiteranyo
Gisagara	3770	19131	13206	36 107
Huye	4633	24082	18753	47 468
Kamonyi	4329	28335	19560	52 224
Muhanga	3 652	17 273	14 628	35 553
Nyamagabe	3 511	16 260	19 683	39 454
Nyanza	6833	29694	24951	61 478
Nyaruguru	3461	19329	13349	36 139
Ruhango	3407	20371	21096	44 874
Igiteranyo	33 596	174 475	145 226	353 297

c) INTARA Y'IBURASIRAZUBA

Akarere	Urwego rwa 1	Urwego rwa 2	Urwego rwa 3	Igiteranyo
Bugesera	4186	28784	12552	45522
Gatsibo	2185	7982	6958	17125
Kayonza	3 012	12 618	7 730	23 360
Kirehe	1 533	11 062	8 231	20 826
Ngoma	3080	21599	14187	38 866
Nyagatare	130	920	1560	2 610
Rwamagana	4229	23652	9781	37662
Igiteranyo	18 355	106 617	60 999	185 971

d) INTARA Y'IBURENGERAZUBA

Akarere	Urwego rwa 1	Urwego rwa 2	Urwego rwa 3	Igiteranyo
Karongi	5 216	28 973	20 490	54 679
Ngororero	1 626	12 947	12 133	26 706
Nyabihu	828	4 277	3 599	8 704
Nyamasheke	3 511	21 982	14 111	39 604
Rubavu	1 196	5 209	5 241	11 646
Rusizi	2 240	14 616	2 535	19 391
Rutsiro	2782	12517	10585	25 884
Igiteranyo	17 399	100 521	68 694	186 614

e) UMUJYI WA KIGALI

Akarere	Urwego rwa 1	Urwego rwa 2	Urwego rwa 3	Igiteranyo
Gasabo	2292	13276	6452	22020
Kicukiro	1453	6020	2513	9986
Nyarugenge	1 460	6 145	2 456	10061
Igiteranyo	5 205	25 441	11 421	42 067
IGITERANYO RUSANGE	77 269	432 557	308 738	818 564

Igihe Inkiko Gacaca ziteguraga gusoza imirimo yazo, hakoze ikusanyamakuru ry'inyongera ahantu hamwe na hamwe. Mu by'ukuri, abaturage cyane cyane abacitse ku icumu rya Jenoside bagaragaje ko hari ahantu ikusanyamakuru ritagenze neza amakuru bakayaza hejuru bitewe no kuyahisha nkana byahawe inyito ya (CECEKA). Ibi bikaba byarongerwaga ingufu n'imyumvire yo guhakana no gupfobya Jenoside bigamije gukingira ikibaba abayikoze. Mu rwego rwo guca umuco wo kudahana byabaye ngombwa ko Inkiko Gacaca zisubiramo ikusanyamakuru mu duce tumwe na tumwe.

Imbonerahamwen° 13 : Ingero z'aho Ikusanyamakuru ryasubiwemo n'ibavuyemo

Akarere	Ahantu	Umubare wa dosiye zakozwe
MUHANGA	Paruwasi ya KABGAYI	458
NGORORERO	Paruwasi ya MUHORORO	125
	Paruwasi ya NYANGE	50
	Ku MUNYINYA	27
	Mu KESHO	137
	Pruwasi ya MURAMBA	70
	Ku ngoro ya MRND	250
KARONGI	BISESERO	2375
KARONGI	BIRAMBO	271
NYAMASHEKE	Paruwasi ya NYAMASHEKE	71
HUYE	Kaminuza ya BUTARE	119
Igiteranyo		3.953

Umutwe wa II. IBURANISHA MU GIHUGU HOSE

Nk'uko twabivuze, iburanisha ryari ryaratangiye mu Nkiko Gacaca 118 z'Umurenge zo mu cyiciro cy'icyitegererezo kuva ku itariki ya 10 Werurwe 2005.

Icyiciro cy'Iburanisha mu Gihugu hose cyatangiyeye ku wa 15 Nyakanga 2006 mu Nkiko Gacaca z'imirenge 1427 n'ubujurire bwazo. Kugira ngo gitangire, habayeho amahugurwa atandukanye ay'ingenzi akaba yaribanze ku Itegeko Ngenga ryo mu mwaka wa 2004

Igika cya mbere: Amahugurwa yo mu mwaka wa 2006 kuri gahunda y'iburanisha

Mu rwego kongera ubushobozi bw'Inyangamugayo, Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwakoze itsinda rihoraho ry'abahugura abandi 551 barimo abahuzabikorwa b'Inkiko Gacaca 106 n'Inyangamugayo 445 zatoranyijwe hashingiwe ku bushobozi bwazo (abarimu, abakozi ba leta, abikorera n'abandi...)

A. Amahugurwa y'abagombaga guhugura Inyangamugayo

Itsinda ry'abahugura abandi niryo ryabanje guhugurwa. Amahugurwa yakozwe kuva ku itariki ya 12/06/2006 kugeza kuya 14/06/2006 abera ku kigo IWACU, ISANO na SFB.

B. Amahugurwa y'Inyangamugayo

Nyuma yayo hakurikiyeho amahugurwa y'Inyangamugayo ny'irizina yamaraga iminsi itatu ku itsinda ry'inyangamugayo 56. Inyangamugayo zo mu itsinda rihugura abandi zifatanyije kandi ziyobowe n'abahuzabikorwa b'imirimo y'Inkiko Gacaca nizo zayatanze. Ayo mahugurwa yatangiye ku wa 15/06/2006 arangira ku wa 30 /06/2006.

Igika cya 2 : Uko iburanisha ryagenze n'umusaruro waryo

Gahunda yakoreshejwe mu cyiciro cy'icyitegererezo niyo yakurikijwe mu gihe cy'iburanisha mu Gihugu hose. Amahame n'amabwiriza bigenga iburanisha byashyizwe mu cyegeranyo cyiswe « Gahunda y'iburanisha mu Nkiko Gacaca »

Mu kuburanishwa amadosiye yakurikiranaga hashingiwe ku byiciro bikurikira:

1. Abireze bakemera ibyaha barekuwe by'agateganyo ;
2. Abireze bakemera ibyaha bagifunze ;
3. Abireze bakemera ibyaha batigeze bafungwa ;
4. Abarwaye indwara zidakira ;
5. Abana bari bafite kuva ku myaka 14 bataruzuzwa 18 igihe bakoraga ibyaha ;
6. Abageze mu zabukuru bafite nibura imyaka 70 y'amavuko;
7. Abaregwa bafunze batireze ;
8. Abakurikiranywe badafunze batireze.

Imanza zaburanishijwe kw'ikubitiro zagenze neza biturutse ku bireze bakemera icyaha bagaragaje imyitwarire myiza bituma abantu bagira ubushake n'umutima wo gukurikirana imirimo y'Inkiko Gacaca.

Imanza zatangiriweho n'izijyanye n'amadosiye y'abakurikiranyweho ibyaha byo mu rwego rwa 2 yatunganyijwe n'Inkiko gacaca z'Akagari. Izo nkiko zagombaga kubanza kurangiza gukora amadosiye y'abaregwa bose mbere yo gutangira kuburanisha amadosiye yo mu rwego rwa 3.

Kuva iburanisha ritangiye ku mugaragaro, habayeho ibyemezo by'Inkiko Gacaca bitandukanye bitewe n'uko uregwa yabaye umwere cyangwa yahamwe n'icyaha; ko uregwa yireze akemera icyaha cyangwa atireze. Ku bantu bireze bakemera icyaha bikemerwa, igihano cy'igifungo bahabwa kirangizwa mu byiciro bibiri : kimwe cya kabiri (1/2) bakirangiriza muri gereza, kimwe cya kabiri (1/2) kindi bakagikoramo imirimo nsimburagifungo ifitiye Igihugu akamaro (TIG).

Bitewe n'uko ababuranishijwe bwa mbere ari abireze bakemera icyaha bafunguwe by'agateganyo, benshi muri bo basabwaga gukora imirimo nsimburagifungo ifitiye Igihugu akamaro kuko igihano cy'igifungo gufungwa wasanganga barakirangije. Hagamijwe kunoza ishyirwa mu bikorwa ry'imirimo nsimburagifungo ifitiye Igihugu akamaro n'ubwo iri mu Nshingano z'urundi rwego « Ubunyamabanga Nshingwabikorwa bwa Komite y'Igihugu y'imirimo nsimburagifungo ifitiye Igihugu akamaro », Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwashyizeho amabwiriza n° 08/06 yo ku wa 25/07/2006²⁶ arebana n'iyuzuzwa ry'ifishi y'uwakatiwe n'Urukiko Gacaca igihano cy'igifungo kirimo gukora igihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro.

Ayo mafishi yagombaga kuzuzwa n'Urukiko Gacaca rwaciye urubanza bwa nyuma akohererezwa Ubunyamabanga Nshingwabikorwa bwa Komite y'Igihugu ishinze imirimo nsimburagifungo ifitiye Igihugu akamaro.

Uko gahunda y'Inkiko Gacaca yashyirwaga mu bikorwa, byagiye biba ngombwa kuvugurura no guhuza iyo gahunda n'igihe hagamijwe gukemura ibibazo by'amategako byagaragaraga. Ni muri urwo rwego Itegeko Ngenga n° 16/2004 ryo ku wa 19/6/2004 rigena imiterere, ububasha n'imikorere by'Inkiko Gacaca zishinzwe gukurikirana no gucira imanza abakoze ibyaha bya Jenocide n'ibindi byaha byibasiye inyokomuntu byakozwe hagati y'itariki ya 1 Ukwakira 1990 n'ya 31 Ukuboza 1994 ryagiye rivugururwa kenshi.

²⁶ URWEGO RW'IGIHUGU RUSHINZWE INKIKO GACACA, *Amabwiriza n°08/06 yo ku wa 25/07/2006 y'Umunyamabanga Nshingwabikorwa w'Urwego rw'Igihugu rushinzwe Inkiko Gacaca arebana n'iyuzuzwa ry'ifishi y'uwakatiwe n'Urukiko Gacaca igihano cy'igifungo kirimo gukora igihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro*, Kigali, 2006.

Agaka ka 1: Umwihariko w'Imanza zo mu rwego rwa 3

Mu gukurikirana ibyaha by'umutungo, inzira y'ubwumvikane niyo yashyizwe imbere kuva Itegeko Ngenga ryo mu mwaka wa 2001 ritangiye kubahirizwa²⁷. Kuri iyi ngingo, iyo ababuranyi bumvikanaga ku kibazo bafitanye, Urukiko Gacaca rw'Akagari ntakindi rwakoraga uretse kwemeza ubwo bwumvikane²⁸. Iryo hame ryashimangiwe no mu ngingo ya mbere n'iya kabiri y'Amabwiriza n° 14/2007 yo ku wa 30/03/2007 y'Urwego rw'Igihugu rushinzwe Inkiko Gacaca²⁹. Iyo kumvikana byananiranaga, ababuranyi biyambazaga Urukiko Gacaca rw'Akagari kugira ngo rubaburanishe nk'uko biteganywa n'amategeko.

Kuriha umutungo wangijwe cyangwa wasahuwe bikorwa hasubizwa ibyasahuwe iyo bishoboka, hatangwa agaciro kabyo mu mafaranga cyangwa hakorwa imirimo ifite agaciro k'ibyasahuwe cyangwa byangijwe³⁰.

Umuntu wese wategetswe kuriha umutungo wasahuwe cyangwa wangijwe ahitamo muri ubu buryo butatu buteganywa n'Itegeko Ngenga ubumunogeye Urukiko Gacaca rukaba arirwo rubwemeza rugatega n'igihe bizakorwamo. Iyo uwasabwe kuriha atubahirije uburyo n'igihe yahawe, urubanza rurangizwa n'abahashe b'Inkiko ku ngufu za Leta. Abahashe b'Inkiko baba ab'umwuga cyanga abayobozi b'inzego zibanze bafite ubwo bubasha bagenzurwa kandi bagakurikiranirwa hafi na Mimisiteri y'ubutabera. Nubwo ibyaha byo mu rwego rwa 3 biri mu bigize icyaha cya Jenocide, ababikoze ntibahabwa igihano cy'igifungo ahubwo basabwa gusa kuriha umutungo w'abandi bangije.

Mu iburanisha ry'imanza zo mu rwego rwa gatatu, inkiko Gacaca zahuye n'imbogamizi zishingiye ahanini ku kuba jenocide yarakozwe n'abantu benshi, cyane cyane ibikorwa by'ubusahuzi no kwangiza umutungo. Ku ruhande rumwe, Urukiko Gacaca rwuhuraga n'ingorane zo kumenya neza abagize uruhare muri ibyo byaha no kumenya agaciro k'ibyangijwe ku rundi ruhande ishyingirwa mu bikorwa ry'ibyemezo by'inkiko rigoye cyangwa ridashoboka. Zimwe mu ngero kuri iki kibazo n'izi zikurikira:

²⁷ Reba ingingo ya 51 y'Itegeko Ngenga ryo mu wa 2004.

²⁸ Hifashishijwe ifishi yatanze n'Urwego rw'Igihugu rushinzwe Inkiko Gacaca (Inyandikomvugo y'ubwumvikane ku mutungo wangijwe cyangwa wasahuwe muri jenocide).

²⁹ URWEGO RW'IGIHUGU RUSHINZWE INKIKO GACACA, *Amabwiriza n° 14/2007 yo kuwa 30/03/2007 y'Umunyamabanga Nshingwabikorwa w'Urwego rw'Igihugu rushinzwe Inkiko Gacaca arebana no kuriha umutungo wononwe mu gihe cya jenocide n'ibindi byaha byibasiye inyokomuntu byakozwe hagati y'itariki ya mbere Ukwakira 1990 n'iya 31 Ukuboza 1994*, Kigali, 2007.

³⁰ Reba ingingo ya 95 y'itegeko n° 16/2004 ryo ku wa 19/6/2004 ryagiye rivugwa haruguru.

- Kuba abirega bakemera ibyaha byo mu rwego rwa gatatu ari bake cyane ;
- Umutungo wasahuwe cyangwa wangiye n'abantu batanzwe cyangwa bigoye kumenya ;
- Umutungo w'agaciro gahanitse wasahuwe cyangwa wononwe n'abantu batishoboye ;
- Kutamenyekana k'umutungo wononwe w'imiryango yazimye;
- Gupfobya cyangwa guhanika agaciro k'ibyangijwe n'ibindi...

Gushyira mu bikorwa ibyemezo by'Inkiko ku bushake byaranzwe no gutinda bikomoka ku bushake buke cyangwa kubura ubwishyu kw'abishyuzwa. Muri rusange, gukemura ikibazo cy'ibyaha by'umutungo byaranzwe n'ubwumvikane n'ubworoherane bigamije gushimangira ubumwe n'ubwiyunge bw'abanyarwanda aho kurangwa n'uburemere bw'Itegeko rihana ibyaha. Ni muri urwo rwego benshi mu bahohotewe ku bwende bwabo bababariye abagombaga kubishyura.

Agaka ka 2: Itegeko Ngenga n° 28/2006 ryo ku wa 27/06/2006 ryuzura kandi rivugurura Itegeko Ngenga ryo mu mwaka wa 2004

Iri vugurura ryari rigamije kubungabunga ububasha bw'Inkiko Gacaca bushingiye ku ifasi nyuma y'ivugururwa ry'inzego z'ubuyobozi bwa leta ryakozwe n'Itegeko Ngenga n° 29/2005 ryo ku wa 31/12/2005 rigena inzego z'imitegekere y'Igihugu cy'u Rwanda³¹.

Mu by'ukuri, igika cya 2 cy'ingingo ya 2 y'itegeko Ngenga n° 28/2006 ryo ku wa 27/06/2006³² rihindura kandi ryuzura Itegeko Ngenga ryo mu mwaka wa 2004 giteganya ko ifasi y'Urukiko Gacaca rw'Akagari ari Akagali ka kera, iy'urw'Umurenge Umurenge wa kera iy'urw'Ubujurire nayo ikaba Umurenge wa kera nk'uko byari bimeze mbere yo gutangaza Itegeko Ngenga n° 29/2005 ryo ku wa 31/12/2005.

³¹ Itegeko Ngenga n° 29/2005 ryo ku wa 31/12/2005 rigena inzego z'imitegekere y'Igihugu cy'u Rwanda, *Igazeti ya Leta* n° idasanzwe yo ku wa 31/12/2005.

³² Itegeko Ngenga n° 28/2006 ryo ku wa 27/06/2006, *Igazeti ya Leta* n° idasanzwe yo ku wa 12/07/2006.

Agaka ka 3: Itegeko Ngenga n° 10/2007 ryo ku wa 01/03/2007 rihindura Itegeko Ngenga ryo mu mwaka wa 2004 nk'uko ryahinduwe kandi ryujijwe kugeza ubu

Iri vugurura ryari rigamije mbere na mbere guha Inkiko Gacaca ububasha bwo kugira inteko zirenze imwe mu Rukiko Gacaca rumwe hagamijwe kwihutisha iburanisha ry'amadosiye zari zifite; kunononsora ibihano n'uko abaregwa bo mu rwego rwa mbere n'urwa kabiri bashyirwa mu nzego ndetse no guteganya isubirwamo ry'imanza zaciye n'Inkiko Gacaca.

A. Ishyirwaho ry'Inteko nyinshi mu Rukiko Gacaca rumwe

Ingingo ya mbere y'Itegeko ryavuzwe haruguru, iteganya ko Urukiko Gacaca rushobora kugira Inteko irenze imwe iyo bibaye ngombwa iha kandi ububasha Urwego rw'Igihugu rushinzwe Inkiko Gacaca bwo gushyiraho amabwiriza ajyanye n'ishyirwaho n'imikoranire y'Inteko nyinshi mu Rukiko Gacaca rumwe. Muri urwo rwego, Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwashyizeho Amabwiriza n° 11/07 yo ku wa 02 Werurwes 2007³³. Ayo mabwiriza yatumye hajyaho Inteko nyinshi mu Rukiko Gacaca rumwe rufite amadosiye yo kuburanisha arenze 150, uwo mubare ukaba warakomeje kwi Yongera uko imanza zaburanishwaga.

Ni muri ubwo buryo hagiye Inteko 1803 mu Nkiko Gacaca z'imirenge 1545 zari zisanzwe n'Inteko 412 mu Nkiko Gacaca 1545 z'ubujirire zari zisanzwe ho.

Kuva Inteko nyinshi mu Rukiko Gacaca rumwe zajyaho, buri nteko yari igizwe n'Inyangamugayo 7 ziburanisha n'abasimbura 2. Kwi Yongera kw'Inteko mu Nkiko Gacaca byatumye iburanisha ry'imanza zo mu rwego rwa kabiri n'urwa gatatu ryihuta nk'uko imbonerahamwe zikurikira zibigaragaza.

³³ URWEGO RW'IGIHUGU RUSHINZWE INKIKO GACACA, *Amabwiriza n°11/07 yo ku wa 02/03/2007 y'Umunyamabanga Nshingwabikorwa w'Urwego rw'Igihugu rushinzwe Inkiko Gacaca arebana n'ishyirwaho ry'inteko nyinshi mu Rukiko Gacaca n'imikoranire yazo*, Kigali, 2007.

Imbonerahamwe n° 14 : Uko iburanisha ryari ryifashe kuva ku wa 1/3/2007 kugeza ku wa 31 Ukuboza 2007

Inkiko Gacaca z'Akagari

Intara	Amadosiye yakiriwe	Umubare w'abumvikanye	Umubare w'ababuranye	Dosiye zisigaye
Amajyepfo	270 472	103 562	133 223	33 687
Iburengerazuba	147 370	50 038	83 151	14 181
Amajyaruguru	47 098	16 681	29 815	602
Iburasirazuba	123 768	43 527	75 942	4 299
Umujyi wa Kigali	23 443	5 434	16 234	1775
Igiteranyo	612 151	219 242	338 365	54 544 = 9%

Inkiko Gacaca z'Imirenge

Intara	Amadosiye yakiriwe	Umubare w'abumvikanye	Umubare w'ababuranye	Dosiye zisigaye
Amajyepfo	181 724	158 777	17 581	5 366
Iburengerazuba	97 934	82 864	13 615	1 455
Amajyaruguru	28 213	22 330	5 797	86
Iburasirazuba	101 356	82 504	18 504	348
Umujyi wa Kigali	35 228	26 419	6 436	2 373
Igiteranyo	444 455	372 894	61 933	9 628 = 2%

Inkiko Gacaca z'ubujurire

Intara	Amadosiye yakiriwe	Umubare w'abumvikanye	Umubare w'ababuranye	Dosiye zisigaye
Amajyepfo	27 129	24 496	48	2 585
Iburengerazuba	19 335	18 525	19	791
Amajyaruguru	6 985	6 903	11	71
Iburasirazuba	13 271	12 840	10	421
Umujyi wa Kigali	4 380	4 011	1	368
Igiteranyo	71 100	66 775	89	4 236 = 5%

Imanza zasabiwe gusubirwamo

Intara	Amadosiye zakiriwe	Amadosiye yo gusubirwamo		
		Umubare wa dosiye	Izaburanishijwe	Izisigaye
Amajyepfo	9 960	2 641	1040	1601
Iburengerazuba	4 925	993	866	570
Amajyaruguru	1 630	464	342	122
Iburasirazuba	3 730	1213	800	413
Umujiyi wa Kigli	1408	414	253	161
Igiteranyo	21 653	6 168	3 301	2 867 = 30%

Incamake

Inkiko	Amaosiye zakiriwe	Amaosiye zaburanishijwe	Amadosiye asigaye
Umurenge	444.455	434.827	9.628
Ubujurire	71.100	66.864	4.236
Akagari	612.151	557.607	54.544
Total	1.127.706	1.059.298	68.408

Icyitonderwa : Umubare w'amadosiye wagiye wiyongera kubera ubuhamya bwagiye butangwa mu gihe cy'iburanisha.

B. Gushyira abaregwa mu nzego hashingiwe ku Itegeko Ngenga n° 10/2007 ryo ku wa 1/03/ 2007

Itegeko Ngenga n° 10/2007 ryo ku wa 01 Werurwe 2007 ryavuguruye inzego z'abaregwa rishyira bamwe mu bari mu rwego rwa mbere mu rwa kabiri bityo Inkiko Gacaca zigira ububasha bwo kubaburanisha. Abaregwa bahinduriwe urwego nk'uko biteganywa n'ingingo ya 11 y'iryo Tegeko ni aba bakurikira :

- 1° Umwicanyi ruharwa wamamaye aho yari ari cyangwa aho yanyuze kubera umwete yagize mu bwicanyi cyangwa ubugome bukabije yabukoranye hamwe n'ibytso bye;
- 2° Umuntu wakoreye abandi ibikorwa by'iyica rubozo, kabone n'iyi byaba bitarabaviriyemo gupfa, hamwe n'ibytso bye;
- 3° Umuntu wakoze ibikorwa by'ubushinyaguzi ku murambo, hamwe n'ibytso bye.

Bityo urwego rwa kabiri rugizwe n'abaregwa bakurikira:

1. Umwicanyi ruharwa wamamaye aho yari ari cyangwa aho yanyuze kubera umwete yagize mu bwicanyi cyangwa ubugome bukabije yabukoranye, hamwe n'ibitso bye;
2. Umuntu wakoreye abandi ibikorwa by'iyicarubozo, kabone n'iyi byaba bitarabaviriyemo gupfa, hamwe n'ibitso bye ;
3. Umuntu wakoze ibikorwa by'ubushinyaguzi ku murambo, hamwe n'ibitso bye;
4. Umuntu wakoze ibyaha cyangwa ibikorwa by'ubufatanyacyaha bimushyira mu mubare w'abishe cyangwa wagiriye abandi nabi bikabaviramo gupfa, hamwe n'ibitso bye ;
5. Umuntu wakomerekeje cyangwa wagiriye abandi nabi agambiriye kubica ariko umugambi we ntugerweho, hamwe n'ibitso bye;
6. Umuntu wakoze cyangwa wafashije gukora ibindi byaha byakorewe abantu, atagambiriye kubica, hamwe n'ibitso bye.

Mu rwego rwa mbere hasigayemo abaregwa bakurikira:

- 1° umuntu wakoze ibyaha cyangwa ibikorwa by'ubufatanyacyaha bimushyira mu bacuze umugambi, abawuteguye, abawushishikarije abandi, abagenzuye n'abayoboye jenoside cyangwa ibindi byaha byibasiye inyokomuntu, hamwe n'ibitso bye;
- 2° umuntu wari icyo gihe mu nzego z'ubuyobozi : mu rwego rw'Igihugu, urwa Perefejitura, urwa Superefejitura n'urwa Komini, mu mashyamba ya politiki, mu Gisirikare, muri Jandarumori, Polisi ya Komini, mu madini cyangwa mu mitwe yitwaga gisirikari ku buryo butemewe n'amategeko, akaba yarakoze ibyo byaha cyangwa akoshya abandi kubikora, hamwe n'ibitso bye;
- 3° umuntu wasambanyije undi ku gahato cyangwa wangije imyanya ndangagitsina, hamwe n'ibitso bye.

C. Ibyaha n'ibihano mu Itegeko Ngenga ryo mu mwaka wa 2007

Iri Tegeko Ngenga ryazanye isubikagifungo nk'uburyo bwo kurangiza igihano hagamijwe kugabanya kumara igihe kirekire muri Gereza ku bahamwe n'ibyaha. Bityo ku bakoze ibyaha byo mu rwego rwa 2 bireze bakemera icyaha bikemerwa n'abo mu gace ka 6 k'urwo rwego, igihano cy'igifungo bahawe kirangizwa mu byiciro bitatu bikurikirana aribyo: Igifungo, Imirimo nsimburagifungo ifitiye Igihugu akamaro n'Isubika gifungo.

Iki cyemezo nticyari gihagije mu rwego rwo kugabanya umubare w'abagororwa wakomezaga kwiyongera. Ni muri urwo rwego Inama y'Abaminisitiri yo ku wa 30 Gicurasi 2007 yemeje ko mu irangizwa ry'ibihano bitangwa n'Inkiko Gacaca, igihano cy'imirimo nsimburagifungo ifitiye Igihugu akamaro kizajya kibanziriza gufungwa nyirizina.

Hagamijwe koroshya ishyirwa mu bikorwa ry'icyo cyemezo cy'Inama y'Abaminisitiri, Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwatanze amabwiriza n° 15/2007 yo ku wa 1 Gicurasi 2007³⁴ yasabaga Inkiko Gacaca kucyubahiriza zigaragaza neza mu byemezo zifatira abarebwa nacyo, igihe cyo kumara muri gereza, icyo gukoramo imirimo nsimburagifungo ifitiye Igihugu Akamaro n'icy'isubika gifungo.

Ayo mabwiriza yagabanyije umubare w'abazanwa gufungwa mu magereza anatuma habaho irekurwa ry'abahamwe n'icyaha bireze bakemera icyaha bikemerwa mu Nkiko Gacaca kugira ngo bakomeze irangizwa ry'igihano cyabo bakora imirimo nsimburagifungo ifitiye Igihugu akamaro. Ibyo byatumye umubare w'abafungwa ugabanuka ku buryo bugaragara ndetse ubucucike mu magereza buragabanuka.

Iki cyemezo cyaherekejwe n'ubukangurambaga bugamije gukangurira abarebwa cyane cyane abo mu rwego rwa 2 ari nabo benshi, kwitabira gahunda yo kwirega, kwemera icyaha, kwicuza no gusaba imbabazi.

Ubukangurambaga bwatangiye, ku rwego rw'Uturere, ku itariki ya 06/02/2007 burangira ku wa 16/02/2007. Inama zahise zikomereza ku rwego rw'Imirenga no mu magereza yose.

³⁴ URWEGO RW'IGIHUGU RUSHINZWE INKIKO GACACA, *Amabwiriza n°15/2007 yo ku wa 01/06/2007 y'Umunyamabanga Nshingwabikorwa w'Urwego rw'Igihugu rushinzwe Inkiko Gacaca arebana n'irangizwa ry'ibihano obihabwa umuntu wireze, akemera icyaha, akicuza agasaba imbabazi bikemerwa n'Urukiko Gacaca*, Kigali, 2007.

Imbonerahamwe n° 15 : Inzego n'ibihano bitegenyijwe n'Itegeko Ngenga ryo mu mwaka wa 2007

Urwego	Ibyaha	Ibihano
1	1° umuntu wakoze ibyaha cyangwa ibikorwa by'ubufatanyacyaha bimushyira mu bacuze umugambi, abawuteguye, abawushishikarije abandi, abagenzuye n'abayoboze jenocide cyangwa ibindi byaha byibasiye inyokomuntu, hamwe n'ibytso bye; 2° umuntu wari icyo gihe mu nzego z'ubuyobozi : mu rwego rw'Igihugu, urwa Perefejitura, urwa Superefejitura n'urwa Komini, mu mashyamba ya politiki, mu Gisirikare, muri Jandarumori, Polisi ya Komini, mu madini cyangwa mu mitwe yitwara gisirikari ku buryo butemewe n'amategeko, akaba yarakoze ibyo byaha cyangwa akoshya abandi kubikora, hamwe n'ibytso bye; 3° umuntu wasambanyije undi ku gahato cyangwa wangije imyanya ndangagitsina, hamwe n'ibytso bye. Banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi cyangwa bireze, bakemera icyaha, bakicuza bagasaba imbabazi ariko ntibyemerwe Bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa nyuma yo gushyirwa ku rutonde rw'abaregwa	Bahanishwa igifungo cya burundu cyangwa igihano cyo kwicwa no kwamburwa uburenganzira bukurikira ubuzima bwabo bwose: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka. Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti". bahabwa igihano cy'igifungo gihera ku myaka makumyabiri n'itanu (25) kugeza ku myaka mirongo itatu (30) no kwamburwa uburenganzira bukurikira ubuzima bwabo

	bwose: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekajwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti”.
bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa mbere yo gushyirwa ku rutonde rw'abaregwa	bahabwa igihano cy'igifungo gihera ku myaka makumyabiri (20) kugeza ku myaka makumyabiri n'ine (24) no kwamburwa uburenganzira bukurikira ubuzima bwabo bwose: c. gutorwa d. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekajwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga

		ra interineti”.
2°	1° umwicanyi ruharwa wamamaye aho yari ari cyangwa aho yanyuze kubera umwete yagize mu bwicanyi cyangwa ubugome bukabije yabukoranye, hamwe n’ibytso bye; 2° umuntu wakoreye abandi ibikorwa by’iyicarubozo, kabone n’iyo byaba bitarabaviriyemo gupfa, hamwe n’ibytso bye; 3° umuntu wakoze ibikorwa by’ubushinyaguzi ku murambo, hamwe n’ibytso bye; banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi, cyangwa bireze bakemera icyaha, bakicuza, bagasaba imbabazi ariko ntibyemerwe	bahanishwa igihano cy’igifungo cy’imyaka mirongo itatu (30) cyangwa igifungo cya burundu no kwamburwa uburenganzira bukurikira ubuzima bwabo bwose : a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n’abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n’ abunganira abandi mu manza; amazina yabo aherekewe n’inyandiko ihinnye igaragaza umwirondoro wabo n’ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n’amateka . Ayo mazina kandi ashirwa ku biro by’Imirenge, mu nyandukuro zerekana ibyaha byakozwe n’ababikoze no ku rubuga rwa interineti”.
	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi nyuma yo gushyirwa ku rutonde bikemerwa	bahabwa igihano cy’igifungo gihera ku myaka myakumyabiri n’itanu (25) kugeza ku myaka makumyabiri n’icyenda (29) ariko ku gihano bahawe: a) icya gatatu (1/3) cy’igihano bakimara muri gereza; b) icya gatandatu (1/6) cy’igihano kigasubikwa; c) icya kabiri (1/2) cy’igihano bakagikoramo igihano nsimburagifungo cy’imirimo ifitiye Igihugu akamaro no kwamburwa uburenganzira bukurikira mu gihe cy’igihano bakatiwe n’urukiko: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi

	n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashyirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashyirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti".
bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa mbere yo gushyirwa ku rutonde rw'abaregwa	bahabwa igihano cy'igifungo gihera ku myaka makumyabiri (20) kugeza ku myaka myakumyabiri n'ine (24) ariko ku gihano bahawe: a) icya gatandatu (1/6) cy'igihano bakimara muri gereza; b) icya gatatu (1/3) cy'igihano kigasubikwa; c) icya kabiri (1/2) cy'igihano bakagikoramo igihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro (art 14) no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashyirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana

		n'amateka . Ayo mazina kandi ashwirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti".
4°	umuntu wakoze icyaha cyangwa ibikorw	bahanishwa igifungo cyo kuva ku myaka cumi
5°	umuntu wakomerekeje cyangwa wagiriy	n'itanu (15) kugeza kuri cumi n'icyenda (19)
	banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi cyangwa bireze, bakemera icyaha, bakicuza bagasaba imbabazi ariko ntibyemerwe	no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashwirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashwirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti".
	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa nyuma yo gushwirwa ku rutonde rw'abaregwa	bahabwa igihano cy'igifungo gihera ku myaka cumi n'ibiri (12) kugeza ku myaka cumi n'ine (14) ariko ku gihano cy'igifungo bahawe: a) icya gatatu (1/3) cy'igihano bakimara muri gereza ; b) icya gatandatu (1/6) cy'igihano kigasubikwa; c) icya kabiri (1/2) cy'igihano bakagikoramo igihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro (art 14) no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko:

	a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekewe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti".
bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa mbere yo gushyirwa ku rutonde rw'abaregwa	bahabwa igihano cy'igifungo gihera ku myaka umunani (8) kugeza ku myaka cumi n'umwe (11), ariko ku gihano cy'igifungo bahawe: a) icya gatandatu (1/6) cy'igihano bakimara muri gereza ; b) icya gatatu (1/3) cy'igihano kigasubikwa; c) icya kabiri (1/2) cy'igihano bakagikoramo igihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro (art 14) no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekewe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku

		nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti".
6°	umuntu wakoze cyangwa wafashije gukomeza ibyaha, kwemera icyaha, kwicuza no gusaba imbabazi cyangwa bireze bakemera icyaha, bakicuza, bagasaba imbabazi ariko ntibiyemerwe	bahanishwa igifungo cyo kuva ku myaka itanu (5) kugeza ku myaka irindwi (7) ariko ku gihano cy'igifungo bahawe : a) icya gatatu (1/3) cy'igihano bakimara muri gereza; b) icya gatandatu (1/6) cy'igihano kigasubikwa ; c) icya kabiri (1/2) cy'igihano bakagikoramo igihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro (art 14) no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekajwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti".
	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi nyuma yo gushyirwa ku rutonde rw'abaregwa bikemerwa	bahabwa igihano cy'igifungo gihera ku myaka itatu (3) kugeza ku myaka ine (4), ariko ku gihano cy'igifungo bahawe :

	a) icya gatatu (1/3) cy'igihano bakimara muri gereza ; b) icya gatandatu (1/6) cy'igihano kigasubikwa ; c) icya kabiri (1/2) cy'igihano bakagikoramo igihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro (art 14) no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti”.
bireze, bakemera icyaha, bakicuza, bagasaba imbabazi mbere yo gushyirwa ku rutonde rw'abaregwa bikemerwa	bahabwa igihano cy'igifungo gihera ku mwaka umwe (1) kugeza ku myaka ibiri (2), ariko ku gihano cy'igifungo bahawe : a) icya gatandatu (1/6) cy'igihano bakimara muri gereza; b) icya gatatu (1/3) cy'igihano kigasubikwa; c) icya kabiri (1/2) cy'igihano bakagikoramo igihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro (art 14) no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko:

		a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti”.
3	Umuntu wakoze gusa ibyaha byerekeranye n'umutungo.	Basabwa kwishyura umutungo w'abandi bononnye cyangwa basahuye. Icyakora, iyo uwangije n'uwangirijwe bumvikanye ubwabo cyangwa bakabikora imbere y'ubutegetsu cyangwa y'abatangabuhamya, mbere y'uko iri tegeko ngenga ritangira gukurikizwa, uwangije ntakurikiranwa“.

Imbonerahamwe n° 16 : Ibihano bihabwa abana bari bafite imyaka 14 bataruzuzwa 18 y'amavuko igihe bakoraga ibyaha hashingiwe ku Itegeko rya 2007

Urwego	Ibyaha	Ibihano
1	1° umuntu wakoze ibyaha cyangwa ibikorwa by'ubufatanyacyaha bimushyira mu bacuze umugambi, abawuteguye, abawushishikarije abandi, abagenzuye n'abayoboze jenocide cyangwa ibindi byaha byibasiye inyokomuntu, hamwe n'ibytso bye; 2° umuntu wari icyo gihe mu nzego z'ubuyobozi : mu rwego rw'Igihugu, urwa Perefegitura, urwa Superefegitura n'urwa Komini, mu mashyaka ya politiki, mu Gisirikare, muri Jandarumori, Polisi ya Komini, mu madini cyangwa mu mitwe yitwara gisirikari ku buryo butemewe n'amategeko, akaba yarakoze ibyo byaha cyangwa akoshya abandi kubikora, hamwe n'ibytso bye; 3° umuntu wasambanyije undi ku gahato cyangwa wangije imyanya ndangagitsina, hamwe n'ibytso bye. Banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi cyangwa bireze, bakemera icyaha, bakicuza bagasaba imbabazi ariko ntibyemerwe	bahanishwa igihano cy'igifungo gihera ku myaka icumi (10) kugeza ku myaka makumyabiri (20) ; no kwamburwa uburenganzira bukurikira ubuzima bwabo bwose: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekajwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti”.

	Bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa nyuma yo gushyirwa ku rutonde rw'abaregwa	bahanishwa igihano cy'igifungo gihera ku myaka umunani (8) kugeza ku myaka icyenda (9) no kwamburwa uburenganzira bukurikira ubuzima bwabo bwose: - gutorwa, - kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekewe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti.
	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa mbere yo gushyirwa ku rutonde rw'abaregwa	igihano cy'igifungo gihera ku myaka itandatu (6) n'amezi atandatu (6) kugeza ku myaka irindwi (7) n'amezi atandatu (6) no kwamburwa uburenganzira bukurikira ubuzima bwabo bwose: - gutorwa - kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza;

		amazina yabo aherekejwe n'inyardiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti.
2°	1° umwicanyi ruharwa wamamaye aho yari ari cyangwa aho yanyuze kubera umwete yagize mu bwicanyi cyangwa ubugome bukabije yabukoranye, hamwe n'ibitso bye; 2° umuntu wakoreye abandi ibikorwa by'iyicarubozo, kabone n'iyi byaba bitarabaviriyemo gupfa, hamwe n'ibitso bye; 3° umuntu wakoze ibikorwa by'ubushinyaguzi ku murambo, hamwe n'ibitso bye; banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi, cyangwa bireze bakemera icyaha, bakicuza, bagasaba imbabazi ariko ntibyemerwe	bahanishwa igifungo cyo kuva ku myaka icumi (10) kugeza ku myaka cumi n'itanu (15) no kwamburwa uburenganzira bukurikira ubuzima bwabo bwose : a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano,

		abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti.
	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa nyuma yo gushyirwa ku rutonde bikemerwa	bahabwa igihano cy'igifungo gihera ku myaka itandatu (6) n'amezi atandatu (6) kugeza ku myaka irindwi (7) n'amezi atandatu (6), ariko ku gihano cy'igifungo bahawe: a) icya gatatu (1/3) cy'igihano akakimara muri gereza ; b) icya gatandatu (1/6) cy'igihano kigasubikwa ; c) icya kabiri (1/2) cy'igihano bakagikoramo igihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro ; no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi

	n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti".
bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa mbere yo gushyirwa ku rutonde rw'abaregwa	bahabwa igihano cy'igifungo gihera ku myaka itandatu (6) kugeza ku myaka irindwi (7), ariko ku gihano cy'igifungo bahawe : a) icya gatandatu (1/6) cy'igihano akakimara muri gereza ; b) icya gatatu (1/3) cy'igihano kigasubikwa ; c) icya kabiri (1/2) cy'igihano bakagikoramo igihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro. no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano,

		abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti.
4°	umuntu wakoze icyaha cyangwa ibikorwa by'ubufatanyacyaha bimushyira mu mubare w'abishe cyangwa wagiriye abandi nabi bikabaviramo gupfa, hamwe n'ibitso bye;	bahanishwa igifungo cyo kuva ku myaka ine (4) n'amezi atandatu (6) kugeza ku myaka itanu (5) n'amezi atandatu (6) no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: a. gutorwa,
5°	umuntu wakomerekeje cyangwa wagiriye abandi nabi agambiriye kubica ariko umugambi we ntawugereho, hamwe n'ibitso bye	b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe
	banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi cyangwa bireze, bakemera icyaha, bakicuza bagasaba imbabazi ariko ntibyemerwe	

	n'ababikoze no ku rubuga rwa interineti".
bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa nyuma yo gushyirwa ku rutonde rw'abaregwa	bahabwa igihano cy'igifungo gihera ku myaka ine (4) kugeza ku myaka itanu (5), ariko ku gihano cy'igifungo bahawe : a) icya gatatu (1/3) cy'igihano akakimara muri gereza ; b) icya gatandatu (1/6) cy'igihano kigasubikwa ; c) icya kabiri (1/2) cy'igihano bakagikoramo igihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro ; no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi

	ashyirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti.
bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa mbere yo gushyirwa ku rutonde rw'abaregwa	bahabwa igihano cy'igifungo gihera ku myaka ibiri (2) n'amezi atandatu (6) kugeza ku myaka itatu (3) n'amezi atandatu (6), ariko ku gihano cy'igifungo bahawe: a) icya gatandatu (1/6) cy'igihano bakakimara muri gereza ; b) icya gatatu (1/3) cy'igihano kigasubikwa ; c) icya kabiri (1/2) cy'igihano bakagikoramo igihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro. no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashyirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi

		ashyirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti.
6°	umuntu wakoze cyangwa wafashije gukomeza ibyaha byakozwe, kwemera icyaha, kwicuza no gusaba imbabazi cyangwa bireze bakemera icyaha, bakicuza, bagasaba imbabazi ariko ntibiyemerwe	bahanishwa igifungo cyo kuva ku myaka ibiri (2) n'amezi atandatu (6) kugeza ku myaka itatu (3) n'amezi atandatu (6) ; ariko ku gihano bahawe, bakamara kimwe cya kabiri (1/2) muri gereza, ikindi bakakimara bakora imirimo ifitiye Igihugu akamaro no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekewe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashyirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashyirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti”.
	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi nyuma yo gushyirwa ku rutonde rw'abaregwa bikemerwa	1° bahabwa igihano cy'igifungo gihera ku mwaka umwe (1) n'amezi atandatu (6) kugeza ku myaka ibiri (2) n'amezi atandatu (6), ariko ku gihano cy'igifungo bahawe :

	a) icya gatatu (1/3) cy'igihano bakakimara muri gereza ; b) icya gatandatu (1/6) cy'igihano kigasubikwa ; c) icya kabiri (1/2) cy'igihano bakagikoramo igihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro. no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashwirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashwirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti”.
bireze, bakemera icyaha, bakicuza, bagasaba imbabazi mbere yo gushyirwa ku rutonde rw'abaregwa bikemerwa	bahabwa igihano cy'igifungo gihera ku mezi atandatu kugeza ku mwaka umwe (1) n'amezi atandatu (6), ariko ku gihano cy'igifungo bahawe: a) icya gatandatu (1/6) cy'igihano

		bakimara muri gereza ; b) icya gatatu (1/3) cy'igihano kigasubikwa ; c) icya kabiri (1/2) cy'igihano bakagikoramo igihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro». no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'innyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineta”.
3	Umuntu wakoze gusa ibyaha byerekeranye n'umutungo.	Basabwa kwishyura umutungo w'abandi bangije cyangwa basahuye.

D. isubirwamo ry'imanza zaciwe ku byaha bya Jenocide

Itegeko ngenga ryo mu mwaka wa 2007 riteganyaga ko Urubanza rwaciwe n'Inkiko Gacaca cyagwa Inkiko zisanzwe rushobora gusubirwamo.

Kubera iyo mpamvu, Urubanza rushobora gusubirwamo iyo :

1. umuntu yagizwe umwere n'urubanza rwaciwe ku buryo budasubirwaho n'Urukiko rusanze, nyuma bikaza kugaragara mu Rukiko Gacaca ko ari umunyacyaha;
2. umuntu yari yagizwe umunyacyaha n'urubanza rwaciwe ku buryo budasubirwaho n'urukiko rusanze, nyuma bikaza kugaragara mu Rukiko Gacaca ko ari umwere;
3. Urubanza rwaciwe ku buryo budasubirwaho n'Urukiko Gacaca, nyuma hakaza kugaragara ibimenyetso bivugurura ibyari byashingiweho n'Urukiko Gacaca ;
4. umuntu yahawe igihano bigaragara ko kinyuranyije n'amategeko hakurikijwe ibyaha bimuhama.

1. Gusubiramo urubanza rwaciwe n'Urukiko Gacaca

Mu rwego rwo gusobanura neza uburyo bukoreshwa hasabwa isubirwamo ry'urubanza mu Inkiko Gacaca, Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwashyizeho amabwiriza n° 12/2007 yo ku wa 15 Werurwe 2007³⁵ aho mu ngingo yayo ya 4 avuye ku gusaba isubirwamo ry'urubanza bikorwa mu nyandiko yandikiwe Perezida w'Inama rusange y'umurenge, Urukiko Gacaca rwaburanishije urwo rubanza bwa nyuma rubarizwamo. Ayo mabwiriza mu ngingo yayo ya 6 n'ya 7 ateganyaga ko Perezida w'Inama rusange atumira abayigize bose mu nama yo gusuzuma ishingiro ryo gusubiramo urubanza. Iyo Inama rusange isanze zifite ishingiro igena Urukiko gacaca rw'ubujirire ruzaburanisha urwo rubanza mu mizi. Iyo Inama rusange isanze gusubiramo urubanza nta shingiro bifite, icyemezo cyo kubyanga kimenyeshwa uwasabye mu nyandiko, bikamenyeshwa Urwego rw'Igihugu rushinzwe Inkiko Gacaca. Twibutse ko urwego rw'Igihugu rushinzwe Inkiko Gacaca rushobora igihe cyose ari ngombwa kugira inama Inama rusange hagamijwe gusuzuma no gusesengura mu buryo bw'amategeko impamvu zo gusubiramo urubanza.

³⁵ URWEGO RW'IGIHUGU RUSHINZWE INKIKO GACACA, *Amabwiriza n° 12/2007 yo kuwa 15/03/2007 y'Umunyamabanga Nshingwabikorwa w'Urwego rw'Igihugu rushinzwe Inkiko Gacaca arebana no gusubiramo imanza zaciwe n'Inkiko Gacaca*, Kigali, 2007.

2. Gusubiramo urubanza rwaciwe n'Urukiko rusanze

Nk'uko byavuzwe haruguru, ingingo ya 93 y'Itegeko Ngenga n° 16/2004 ryo ku wa 19/06/2004 iha Inkiko Gacaca ububasha bwo gusubiramo imanza zaciwe n'Inkiko zisanze. Muri uru rwego, amabwiriza n° 9/06 yo ku wa 26/07/2006³⁶ yasabye Inkiko Gacaca ko kwiga ku isubirwamo ry'izo manza bizatangira nyuma yo kurangiza andi madosiye Inkiko Gacaca zifite kandi uburyo bwo kubikora bukazashingira ku mabwiriza yihariye y'Urwego rw'Igihugu rushinzwe Inkiko Gacaca.

Mbere y'uko ayo mabwiriza asohoka, ingingo ya 24 y'Itegeko Ngenga n° 13/2008 ryo ku wa 19/05/2008 rivugwa hepfo yambuye ubwo bubasha Inkiko Gacaca, iyi ngingo ivuga ko « *Urubanza rwaciwe ku buryo budasubirwaho n'Urukiko rusanze cyangwa urwa gisirikare rushobora gusabirwa gusubirwamo muri urwo Rukiko* ». Iyi ngingo ihita yambura Inkiko Gacaca ububasha bwo gusubiramo imanza za Jenoside zaciwe n'Inkiko zisanze n'iza gisirikare. Iyo ngingo ikomeza igaragaza imanza zishobora gusabirwa gusubirwamo mu Nkiko Gacaca arizo :

1. Urubanza rwaciwe ku buryo budasubirwaho n'Urukiko Gacaca nyuma hakaza kugaragara ibimenyetso bivuguruzwa ibyari byarashingiweho ;
2. Umuntu wahawe igihano kinyuranyije n'amategeko hakurikijwe ibyaha bimuhama.

Urubanza rwaciwe ku buryo budasubirwaho n'Urukiko Gacaca ntirushobora gusubirwamo n'Urukiko rusanze cyangwa urwa gisirikare. Na none kandi Urubanza rwaciwe ku buryo budasubirwaho n'Urukiko rusanze cyangwa urwa gisirikare ntirushobora gusubirwamo n'Urukiko Gacaca. Iki cyemezo giteganywa mu ngingo ya 24 yavuzwe haruguru, muri aya magambo : « *Urukiko Gacaca rw'ubujirire nirwo rwonyine rufite ububasha bwo gusubiramo imanza zaciwe ku buryo budasubirwaho n'Urukiko Gacaca. Urubanza rwaciwe ku buryo budasubirwaho n'Urukiko rusanze cyangwa urwa gisirikare rushobora gusabirwa gusubirwamo muri urwo rukiko* ».

³⁶ URWEGO RW'IGIHUGU RUSHINZWE INKIKO GACACA, *Amabwiriza n°9/2006 yo ku wa 26/07/2006 y'Umunyamabanga Nshingwabikorwa w'Urwego rw'Igihugu rushinzwe Inkiko Gacaca arebana no gusubiramo imanza zaciwe n'Inkiko zisanze*, Kigali, 2006.

E. Ishyirwa mu bikorwa ry'Itegeko Ngenga ryo mu mwaka wa 2007

Nkuko byari byakozwe mbere, imirimo y'Inkiko Gacaca yahagaze igihe gito nyuma y'uko Itegeko Ngenga ryo mu mwaka wa 2007 ritangajwe kugira ngo Inyangamugayo zibanze zihugurwe ku bijyanye n'impinduka ryari ryazanywe ndetse no kumabwiriza y'Urwego rw'Igihugu rushinzwe Inkiko Gacaca ajyanye nazo. Ayo mahugurwa yabaye kuva ku itariki ya 15 Werurwe kugeza kuya 5 Mata 2007 kandi yari agenewe Inyangamugayo z'Inkiko Gacaca z'umurenge n'izubujurire gusa.

Gutubura no kugeza ku Nkiko Gacaca udutabo dukubiyemo Itegeko rishya byafashe umwanya kandi Inkiko Gacaca zarakomeje imirimo yazo bituma zimwe muri zo zifata ibyemezo bishingiye ku Itegeko ngenga ryataye agaciro. Mu rwego rwo gukosora ayo makosa, Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwatanze amabwiriza n° 13/2007 yo ku wa 20/03/2007³⁷ yasabaga Inkiko Gacaca gushyira mu bikorwa biteganywa n'Itegeko Ngenga ryo mu mwaka 2007 ku bijyanye n'ibyemezo byose byafashwe kuva ku itariki ya 01/03/2007. Mu by'ukuri, ingingo ya 3 y'ayo mabwiriza iteganywa ko ibyemezo byose byafashwe n'Inkiko Gacaca z'umurenge cyangwa ubujurire nyuma y'uko Itegeko Ngenga n° 10/2007 ritangajwe, bigomba guhuzwa n'ibiteganywa n'iryo Tegeko kandi hatabayeho kongera kuburanisha.

Igika cya 3: Ivugururwa ryo ku wa 19/05/2008 ry' Itegeko Ngenga ryo mu mwaka wa 2004

Nubwo Inkiko Gacaca zari zageze ku musaruro ushimishije, ikibazo cyamadosiye yo mu rwego rwa mbere ndetse n'ayari akiburanishwa n'Inkiko zisanzwe n'iza gisirikari cyari kigikomeje kuba ingorabahizi. Hagamijwe gukemura icyo kibazo byabaye ngombwa kongera kuvugurura Itegeko Ngenga n° 16/2004 ryo ku wa 19/6/2004 rigena imiterere, ububasha n'imikorere by'Inkiko Gacaca³⁸. Iryo vugurura ryibanze ku ngingo zikurikira:

³⁷ URWEGO RW'IGIHUGU RUSHINZWE INKIKO GACACA, *Amabwiriza n°13/2007 yo ku wa 20/03/2007 y'Umunyamabanga Nshingwabikorwa w'Urwego rw'Igihugu rushinzwe Inkiko Gacaca agamije gufasha Inkiko Gacaca gushyira mu bikorwa ibiteganywa n'Itegeko Ngenga n° 10/2007 ryo ku wa 01/03/2007 rihindura kandi ryuzuza Itegeko Ngenga n° 16/2004 ryo kuwa 19/6/2004 rigena imiterere, ububasha n'imikorere by'Inkiko Gacaca zishinzwe gukurikirana no gucira imanza abakoze ibyaha bya Jenocide n'ibindi byaha byibasiye inyokomuntu byakozwe hagati y'itariki ya mbere Ukwakira 1990 n'ya 31 Ukuboza 1994 nk'uko ryahinduwe kandi ryujijwe kugeza ubu, Kigali, 2007.*

³⁸ Itegeko Ngenga n° 13/2008 ryo ku wa 19/05/2008 rihindura kandi ryuzuza itegeko Ngenga n° 16/2004 ryo ku wa 19/06/2004 rigena imiterere, ububasha n'imikorere by'Inkiko Gacaca zishinzwe gukurikirana no gucira imanza abakoze ibyaha bya Jenocide n'ibindi byaha byibasiye inyokomuntu byakozwe hagati y'itariki ya mbere Ukwakira 1990 n'ya 31 Ukuboza 1994 nk'uko ryahinduwe kandi ryujijwe kugeza ubu, *igazeti ya Leta ya Repubulika y'u Rwanda* n° 11 yo ku wa 01/06/2008.

1. Uburyo bwo kwihutisha iburanisha ry'imanza z'abaregwa ibyaha byo mu rwego rwa mbere ;
2. Umuti ku kibazo cy'amadosiye yabakurikiranyweho icyaha cya Jenocide aburanishwa n'Inkiko zisanze n'iza gisirikare atarafatwaho umwanzuro ku rwego rwa nyuma ;
3. Uburyo bwo kurangiza igihano cy'igifungo ku bireze bakemera icyaha bikemerwa ;
4. Ikurikirana ry'ibyaha bigize icyaha cya Jenocide nyuma y'isoza ry'imirimu y'Inkiko Gacaca.

Agaka ka 1 : Ingamba zo kwihutisha imanza z'abaregwa bo mu rwego rwa mbere

Mu rwego rwo kwihutisha imanza z'abaregwa bo mu rwego rwa mbere, ivugururwa ry'itegeko ryo mu mwaka wa 2008 ryashyize mu bubasha bw'Inkiko Gacaca bimwe mu byaha byo mu rwego rwa mbere. Nk'uko biteganywa n'ingingo ya 9, imanza z'abaregwa bakurikira ziri mu bubasha bw'Inkiko Gacaca:

1. Abantu bakoze ibyaha cyangwa ibikorwa by'ubufatanyacyaha bibashyira mu bashishikarije abandi umugambi wa Jenocide, abagenzuye n'abayoboye Jenocide cyangwa ibindi byaha byibasiye inyokomuntu, hamwe n'ibitso byabo;
2. Abantu bari mu nzego z'ubuyobozi ku rwego rwa Superefegitura n'urwa Komini : mu nzego z'ubutegetsi bwa Leta, mu mashyamba ya politiki, mu Gisirikari, muri Jandarumori, muri Polisi ya Komini, mu madini cyangwa mu mitwe yitwaraga gisitakari mu buryo butemewe n'amategeko, bakaba barakoze ibyaha bya Jenocide cyangwa ibindi byaha byibasiye inyokomuntu cyangwa akoshya abandi kubikora, hamwe n'ibitso byabo ;
3. Abantu basambanyije abandi ku gahato cyangwa bangije imyanya ndangagitsina, hamwe n'ibitso byabo.

Abaregwa bo mu rwego rwa mbere bagumye mu bubasha bw'Inkiko zisanze n'iza Gisirikare ni aba bakurikira :

1. Abantu bakoze ibyaha cyangwa ibikorwa by'ubufatanyacyaha bibashyira mu bacuze cyangwa abateguye umugambi wa Jenocide cyangwa ibindi byaha byibasiye inyokomuntu, hamwe n'ibitso byabo ;

2. Abantu bari mu nzego z'ubuyobozi ku rwego rw'igihugu n'urwa Perefegitura : mu nzego z'ubutegetsi bwa Leta, mu mashyaka ya politiki, mu Gisirikari, muri Jandarumori, muri Polisi ya Komini, mu Madini cyangwa mu mitwe yitwaraga gisitikari mu buryo butemewe n'amategeko, bakaba barakoze ibyaha bya Jenoside cyangwa ibindi byaha byibasiye inyokomuntu cyangwa akoshya abandi kubikora, hamwe n'ibitso byabo.

A. Ibyaha n'ibihano biteganywa n'itegeko ryo mu mwaka wa 2008

Ibyaha biri mu bubasha bw'Inkiko Gacaca ni ibijyanye n'ibyaha by'ishyirwa mu bikorwa ry'umugambi wa Jenoside byakorewe ku mugaragaro kandi abaturage bakaba babifiteho amakuru n'ubuhamya. Ibi byatumye Inyangamugayo zitagira ingorane mu iburanisha ryabyo. Ibi bisobanuye kandi ko ibyaha byagumye mu bubasha bw'Inkiko zisanzwe n'iza Gisirikare ari ibijyanye no gucura cyangwa gutegura umugambi wa Jenoside, cyangwa ibyakozwe n'abayobozi bakomeye kuburyo abaturage batabifiteho amakuru n'ubuhamya. Twakwibutsa ko mbere y'ivugururwa ryo ku wa 19/05/2008, Inkiko Gacaca zari zifite ububasha bwo kuburanisha ibyaha byo mu rwego rwa kabiri n'urwa gatatu gusa.

Imbonerahamwe n° 17 : Inzego n'ibihano biteganywa n'itegeko ryo mu mwaka wa 2008

Urwego	Ibyaha	Ibihano
1	1° umuntu wakoze ibyaha cyangwa ibikorwa by'ubufatanyacyaha bimushyira mu bacuze cyangwa abateguye umugambi wa jenoside cyangwa ibindi byaha byibasiye inyokomuntu, hamwe n'ibitso bye; 2° umuntu wari mu nzego z'ubuyobozi ku rwego rw'igihugu n'urwa Perefegitura : mu nzego z'ubutegetsi bwa Leta, mu mashyaka ya politiki, mu Gisirikare, muri Jandarumori, mu	ahanishwa igifungo cya burundu cy'umwihariko no kwamburwa uburenganzira bukurikira ubuzima bwabo bwose: a. gutorwa b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n'abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko

madini cyangwa mu mitwe yitwaraga gisirikari ku buryo butemewe n'amateguko, akaba yakoze ibyaha bya jenocide cyangwa ibindi byaha byibasiye inyokumuntu cyangwa akoshya abandi kubikora, hamwe n'ibitso bye;

3° umuntu wakoze ibyaha cyangwa ibikorwa by'ubufatanyacyaha bimushyira mu bashishikariye abandi umugambi wa jenocide, abagenzuye n'abayoboye jenocide cyangwa ibindi byaha byibasiye inyokomuntu, hamwe n'ibitso bye ;

4° umuntu wari mu nzego z'ubuyobozi ku rwego rwa Superefegitura n'urwa Komini : mu nzego z'ubutegetsi bwa Leta, mu mashyamba ya politiki, mu Gisirikare, muri Jandarumori, muri Polisi ya Komini, mu madini cyangwa mu mitwe yitwaraga gisirikari ku buryo butemewe n'amateguko, akaba yakoze ibyaha bya jenocide cyangwa ibindi byaha byibasiye inyokomuntu cyangwa akoshya abandi kubikora, hamwe n'ibitso bye;

5° umuntu wasambanyije undi ku gahato cyangwa wangije imyanya

ihinye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti”.

	ndangagitsina, hamwe n'ibitso bye. Wanze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi cyangwa wireze, akemera icyaha, akicuza agasaba imbabazi ariko ntibyemerwe	
	wireze, akemera icyaha, akicuza, agasaba imbabazi bikemerwa nyuma yo gushyirwa ku rutonde rw'abaregwa	ahabwa igihano cy'igifungo guhera ku myaka makumyabiri n'itanu (25) kugeza ku myaka (30) no kwamburwa uburenganzira bukurikira ubuzima bwabo bwose: - gutorwa - kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti”.
	wireze, akemera icyaha, akicuza, agasaba imbabazi bikemerwa mbere yo gushyirwa ku rutonde rw'abaregwa	ahabwa igihano cy'igifungo guhera ku myaka makumyabiri (20) kugeza ku myaka makumyabiri n'ine (24) no kwamburwa uburenganzira bukurikira ubuzima bwabo bwose: gutorwa

		b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'innyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashyirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashyirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti”.
2	1° umwicanyi ruharwa wamamaye aho yari ari cyangwa aho yanyuze kubera umwete yagize mu bwicanyi cyangwa ubugome bukabije yabukoranye, hamwe n'ibitso bye; 2° umuntu wakoreye abandi ibikorwa by'iyicarubozo, kabone n'iyi byaba bitarabaviriyemo gupfa, hamwe n'ibitso bye; 3° umuntu wakoze ibikorwa by'ubus banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi, cyangwa bireze bakemera icyaha, bakicuza, bagasaba imbabazi ariko ntibemerwe	bahanishwa igihano cy'igifungo cy'imyaka mirongo itatu (30) cyangwa igifungo cya burundu (art 14) no kwamburwa uburenganzira bukurikira ubuzima bwabo bwose : a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'innyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashyirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi

		ashyirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti".
	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi nyuma yo gushyirwa ku rutonde bikemerwa	bahabwa igihano cy'igifungo gihera ku myaka myakumyabiri n'itanu (25) kugeza ku myaka makumyabiri n'icyenda (29) ariko ku gihano bahawe: a) icya gatatu (1/3) cy'igihano bakimara muri gereza; b) icya gatandatu (1/6) cy'igihano kigasubikwa; c) icya kabiri (1/2) cy'igihano bakagikoramo igihano nsimbura gifungo cy'imirimo ifitiye Igihugu akamaro (art 14) no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashyirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashyirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe

		n'ababikoze no ku rubuga rwa interineti".
	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa mbere yo gushyirwa ku rutonde rw'abaregwa	bahabwa igihano cy'igifungo gihera ku myaka makumyabiri (20) kugeza ku myaka yakumyabiri n'ine (24) ariko ku gihano bahawe: a) icya gatandatu (1/6) cy'igihano bakimara muri gereza; b) icya gatatu (1/3) cy'igihano kigasubikwa; c) icya kabiri (1/2) cy'igihano bakagikoramo igihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro (art 14) no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti".
4°	umuntu wakoze icyaha cyangwa ibikorwa by'ubufatanyacyaha bimushyira mu mubare w'abishe	bahanishwa igifungo cyo kuva ku myaka cumi n'itanu (15) kugeza kuri cumi n'icyenda (19); (art 14) no kwamburwa uburenganzira

5°	cyangwa wagiriye abandi nabi bikabaviramo gupfa, hamwe n'ibitso bye; umuntu wacomerekeje cyangwa wagiriye abandi nabi agambiriye kubica ariko umugambi we ntawugereho, hamwe n'ibitso bye banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi cyangwa bireze, bakemera icyaha, bakicuza bagasaba imbabazi ariko ntibyemerwe	bukurikira mu gihe cy'igihano bakatiwe n'urukiko: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti".
	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa nyuma yo gushyirwa ku rutonde rw'abaregwa	bahabwa igihano cy'igifungo gihera ku myaka cumi n'ibiri (12) kugeza ku myaka cumi n'ine (14) ariko ku gihano cy'igifungo bahawe: a) icya gatatu (1/3) cy'igihano bakimara muri gereza ; b) icya gatandatu (1/6) cy'igihano kigasubikwa; c) icya kabiri (1/2) cy'igihano bakagikoramo igihano nsiburagifungo cy'imirimo ifitiye Igihugu akamaro (art 14) no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: a. gutorwa,

	b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'innyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti”.
bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa mbere yo gushyirwa ku rutonde rw'abaregwa	bahabwa igihano cy'igifungo gihera ku myaka umunani (8) kugeza ku myaka cumi n'umwe (11), ariko ku gihano cy'igifungo bahawe: a) icya gatandatu (1/6) cy'igihano bakimara muri gereza ; b) icya gatatu (1/3) cy'igihano kigasubikwa; c) icya kabiri (1/2) cy'igihano bakagikoramo igihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro (art 14) no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi

		mu manza; amazina yabo aherekewe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti”.
6°	umuntu wakoze cyangwa wafashije gukora ibindi byaha byakorewe abantu, atagambiriye kubica, hamwe n'ibitso bye. banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi cyangwa bireze bakemera icyaha, bakicuza, bagasaba imbabazi ariko ntibyemerwe	bahanishwa igifungo cyo kuva ku myaka itanu (5) kugeza ku myaka irindwi (7) ariko ku gihano cy'igifungo bahawe : a) icya gatatu (1/3) cy'igihano bakimara muri gereza; b) icya gatandatu (1/6) cy'igihano kigasubikwa ; c) icya kabiri (1/2) cy'igihano bakagikoramo igihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro (art 14) no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: c. gutorwa, d. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekewe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako

	yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti”.
bireze, bakemera icyaha, bakicuza, bagasaba imbabazi nyuma yo gushyirwa ku rutonde rw'abaregwa bikemerwa	bahabwa igihano cy'igifungo gihera ku myaka itatu (3) kugeza ku myaka ine (4), ariko ku gihano cy'igifungo bahawe : a) icya gatatu (1/3) cy'igihano bakimara muri gereza ; b) icya gatandatu (1/6) cy'igihano kigasubikwa ; c) icya kabiri (1/2) cy'igihano bakagikoramo igihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro (art 14) no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: c. gutorwa, d. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe

		n'ababikoze no ku rubuga rwa interineti".
	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi mbere yo gushyirwa ku rutonde rw'abaregwa bikemerwa	bahabwa igihano cy'igifungo gihera ku mwaka umwe (1) kugeza ku myaka ibiri (2), ariko ku gihano cy'igifungo bahawe: a) icya gatandatu (1/6) cy'igihano bakimara muri gereza; b) icya gatatu (1/3) cy'igihano kigasubikwa; c) icya kabiri (1/2) cy'igihano bakagikoramo igihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro (art 14) no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: c. gutorwa, d. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekewe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti".
3	Umuntu wakoze gusa ibyahabyerekeranye n'umutungo.	Basabwa kwishyura ibyabandi bononnye cyangwa basahuye

Imbonerahamwe n° 18 : Ibihano bihabwa abana bari bafite imyaka 14 bataruzuzwa 18 y'amavuko igihe bakoraga ibyaha hashingiwe ku Itegeko rya 2008.

Urwego	Ibyaha	Ibihano
1	1° umuntu wakoze ibyaha cyangwa ibikorwa by'ubufatanyacyaha bimushyira mu bacuze cyangwa abateguye umugambi wa jenocide cyangwa ibindi byaha byibasiye inyokomuntu, hamwe n'ibitso bye; 2° umuntu wari mu nzego z'ubuyobozi ku rwego rw'Igihugu n'urwa Perefegitura : mu nzego z'ubutegetsi bwa Leta, mu mashyamba ya politiki, mu Gisirikare, muri Jandarumori, mu madini cyangwa mu mitwe yitwaraga gisirikari ku buryo butemewe n'amategeko, akaba yakoze ibyaha bya jenocide cyangwa ibindi byaha byibasiye inyokomuntu cyangwa akoshya abandi kubikora, hamwe n'ibitso bye; 3° umuntu wakoze ibyaha cyangwa ibikorwa by'ubufatanyacyaha bimushyira mu bashishikariye abandi umugambi wa jenocide, abagenzuye n'abayoboye jenocide cyangwa ibindi byaha byibasiye inyokomuntu, hamwe n'ibitso bye ; 4° umuntu wari mu nzego z'ubuyobozi	ahanishwa igihano cy'igifungo gihera ku myaka icumi (10) kugeza ku myaka makumyabiri (20) ; no kwamburwa uburenganzira bukurikira ubuzima bwabo bwose: a. gutorwa b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti.

	ku rwego rwa Superefegitura n'urwa Komini : mu nzego z'ubutegetsi bwa Leta, mu mashyaka ya politiki, mu Gisirikare, muri Jandarumori, muri Polisi ya Komini, mu madini cyangwa mu mitwe yitwaraga gisirikari ku buryo butemewe n'amategeko, akaba yarakoze ibyaha bya jenocide cyangwa ibindi byaha byibasiye inyokomuntu cyangwa akoshya abandi kubikora, hamwe n'ibitso bye; 5° umuntu wasambanyije undi ku gahato cyangwa wangije imyanya ndangagitsina, hamwe n'ibitso bye. Wanze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi cyangwa wireze, akemera icyaha, akicuza agasaba imbabazi ariko ntibyemerwe	ahanishwa igihano cy'igifungo gihera ku myaka umunani (8) kugeza ku myaka icyenda (9); no kwamburwa uburenganzira bukurikira ubuzima bwabo bwose: - gutorwa - kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza;
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		amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti”.
	wireze, akemera icyaha, akicuza, agasaba imbabazi bikemerwa mbere yo gushyirwa ku rutonde rw'abaregwa	ahanishwa igihano cy'igifungo guhera ku myaka itandatu (6) n'amezi atandatu (6) kugeza ku myaka irindwi (7) n'amezi atandatu (6). no kwamburwa uburenganzira bukurikira ubuzima bwabo bwose: a. gutorwa b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti”.
2	1° umwicanyi ruharwa wamamaye aho yari ari cyangwa aho yanyuze kubera umwete yagize mu bwicanyi cyangwa ubugome	ahanishwa igifungo kuva ku myaka icumi (10) kugeza ku myaka cumi n'itanu (15); no kwamburwa uburenganzira bukurikira ubuzima bwabo bwose:

2° 3°	bukabije yabukoranye, hamwe n'ibitso bye; umuntu wakoreye abandi ibikorwa by'iyicarubozo, kabone n'iyobyaba bitarabaviriyemo gupfa, hamwe n'ibitso bye; umuntu wakoze ibikorwa by'ubushinyaguzi ku murambo, hamwe n'ibitso bye; banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi, cyangwa bireze bakemera icyaha, bakicuza, bagasaba imbabazi ariko ntibyemerwe	a. gutorwa b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti”.
	bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa nyuma yo gushyirwa ku rutonde bikemerwa	ahabwa igihano cy'igifungo gihera ku myaka itandatu (6) n'amezi atandatu (6) kugeza ku myaka irindwi (7) n'amezi atandatu (6), ariko: a) icya gatatu (1/3) cy'igihano akakimara muri gereza ; b) icya gatandatu (1/6) cy'igihano kigasubikwa ; c) icya kabiri (1/2) cy'igihano akagikoramo igihano nsimbura igifungo cy'imirimo ifitiye Igihugu akamaro ; no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza;

		amazina yabo aherekewe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti".
bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa mbere yo gushyirwa ku rutonde rw'abaregwa		ahabwa igihano cy'igifungo gihera ku myaka itandatu (6) kugeza ku myaka irindwi (7), ariko : a) icya gatandatu (1/6) cy'igihano akakimara muri gereza ; b) icya gatatu (1/3) cy'igihano kigasubikwa ; c) icya kabiri (1/2) cy'igihano akagikoramo igihano nsimburagifungo cy'imirimu ifitiye Igihugu akamaro. no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekewe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu

		nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti.
4° umuntu wakoze icyaha cyangwa ibikorwa by'ubufatanyacyaha bimushyira mu mubare w'abishe cyangwa wagiriye abandi nabi bikabaviramo gupfa, hamwe n'ibytso bye;		ahanishwa igifungo cyo kuva ku myaka ine (4) n'amezi atandatu (6) kugeza ku myaka itanu (5) n'amezi atandatu (6). no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko:
5° umuntu wakomerekeje cyangwa wagiriye abandi nabi agambiriye kubica ariko umugambi we ntawugereho, hamwe n'ibytso bye banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi cyangwa bireze, bakemera icyaha, bakicuza bagasaba imbabazi ariko ntibyemerwe		a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashwirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashwirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti”.
bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa nyuma yo gushyirwa ku rutonde rw'abaregwa		ahabwa igihano cy'igifungo gihera ku myaka ine (4) kugeza ku myaka itanu (5), ariko : a) icya gatatu (1/3) cy'igihano bakakimara muri gereza ; b) icya gatandatu (1/6) cy'igihano kigasubikwa ; c) icya kabiri (1/2) cy'igihano akagikoramo igihano nsimbura gifungo cy'imirimo ifitiye Igihugu akamaro ; no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko:

	a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenoside, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti”.
bireze, bakemera icyaha, bakicuza, bagasaba imbabazi bikemerwa mbere yo gushyirwa ku rutonde rw'abaregwa	ahabwa igihano cy'igifungo guhera ku myaka ibiri (2) n'amezi atandatu (6) kugeza ku myaka itatu (3) n'amezi atandatu (6), ariko : a) icya gatandatu (1/6) cy'igihano akakimara muri gereza ; b) icya gatatu (1/3) cy'igihano kigasubikwa ; c) icya kabiri (1/2) cy'igihano bakagikoramo igihano nsimbura igifungo cy'imirimo ifitiye Igihugu akamaro ; no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza;

		amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti".
6° umuntu wakoze cyangwa wafashije gukora ibindi byaha byakorewe abantu, atagambiriye kubica, hamwe n'ibitso bye.	6° umuntu wakoze cyangwa wafashije gukora ibindi byaha byakorewe abantu, atagambiriye kubica, hamwe n'ibitso bye. banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi cyangwa bireze bakemera icyaha, bakicuza, bagasaba imbabazi ariko ntibyemerwe	ahanishwa igifungo cyo kuva ku myaka ibiri (2) n'amezi atandatu (6) kugeza ku myaka itatu (3) n'amezi atandatu (6) ; ariko : a) icya gatatu (1/3) cy'igihano akakimara muri gereza ; b) icya gatandatu (1/6) cy'igihano kigasubikwa ; c) icya kabiri (1/2) akagikoramo igihano nsimburagifungo cy'imirimo ifitiye Igihugu kamaro. no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu

		nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti".
bireze, bakemera icyaha, bakicuza, bagasaba imbabazi nyuma yo gushyirwa ku rutonde rw'abaregwa bikemerwa	ahabwa igihano cy'igifungo gihera ku mwaka umwe (1) n'amezi atandatu (6) kugeza ku myaka ibiri (2) n'amezi atandatu (6), ariko : a) icya gatatu (1/3) cy'igihano bakakimara muri gereza ; b) icya gatandatu (1/6) cy'igihano kigasubikwa ; c) icya kabiri (1/2) cy'igihano akagikoramo igihano nsimbura igifungo cy'imirimo ifitiye Igihugu akamaro; no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekejwe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti".	
bireze, bakemera icyaha, bakicuza,	ahabwa igihano cy'igifungo gihera ku mezi	

	bagasaba imbabazi mbere yo gushyirwa ku rutonde rw'abaregwa bikemerwa	atandatu kugeza ku mwaka umwe (1) n'amezi atandatu (6), ariko : a) icya gatandatu (1/6) cy'igihano akimara muri gereza ; b) icya gatatu (1/3) cy'igihano kigasubikwa ; c) icya kabiri (1/2) cy'igihano akagikoramo igihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro. no kwamburwa uburenganzira bukurikira mu gihe cy'igihano bakatiwe n'urukiko: a. gutorwa, b. kuba abayobozi, abasirikari, abapolisi n'abandi bashinzwe umutekano, abarimu, abaganga, abacamanza, abashinjacyaha n' abunganira abandi mu manza; amazina yabo aherekewe n'inyandiko ihinnye igaragaza umwirondoro wabo n'ibyaha bakoze, ashirwa mu nyubako yihariye ku nzibutso za jenocide, mu gice kirebana n'amateka . Ayo mazina kandi ashirwa ku biro by'Imirenge, mu nyandukuro zerekana ibyaha byakozwe n'ababikoze no ku rubuga rwa interineti.
3	Umuntu wakoze gusa ibyaha byerekeranye n'umutungo.	Basabwa kwishyura iby'abandi bangije cyangwa basahuye

B. Umwihariko ku byaha byo gusambanya ku gahato no kwangiza imyanya ndangabitsina

Amadosiye yo mu rwego rwa mbere yoherejwe Inkiko Gacaca igihe izo Nkiko ziteguraga gusoza iburanisha ry'imanza zo mu rwego rwa kabiri n'urwa gatatu. Kubera iyo mpamvu Urwego rw'lgihugu rushinwe Inkiko Gacaca rwiyeje guhuriza imbaraga ku gikorwa cy'iburanisha ry'imanza zo mu rwego rwa mbere n'iry'amadosiye yaturutse mu Nkiko zisanze n'iza gisirikare kubera umwihariko wazo. Ibi byari byagaragajwe n'umushingamategeko ku buryo yashyizeho uburyo bw'umwihariko bw'imiburanishirize y'izo manza cyane cyane ku bijyanye n'icyaha cyo gusambanya ku gahato cyangwa kwangiza imyanya ndangabitsina. Iki ni icyaha cy'urukozasoni gihungabanya ubuzima bwite bw'uwahohotewe ari nabyo byatumye hashyirwaho uburyo bwihariye bwo gukurikirana no kuburanisha ibyo byaha.

Ingingo ya 6 y'Itegeko ryavuzwe haruguru iteganya ko mu rwego rwo kuregera ibyaha byo gusambanya ku gahato cyangwa kwangiza imyanya ndangabitsina, uwahohotewe ageza ikirego cye ku Rukiko Gacaca rw'Umurenge rw'aho icyaha cyakorewe, ku bugenzacyaha cyangwa akagishyikiriza ubushinjacyaha. Ibi bituma abakorewe ibi byaha, badashaka kujya ahagaragara, batabangamirwa n'iburanisha ryo mu ruhame rikoreshe mu Nkiko Gacaca cyangwa uburyo bwo gutanga ikirego ku mugaragaro binyujijwe mu Ikusanyamakuru rikorwa n'inama rusange y'Akagari. Iyo uwakorewe icyo cyaha yapfuye cyangwa adafite ubushobozi bwo gutanga ikirego, uwo ariwe wese bireba ashobora kugitanga mu ibanga. Birabujijwe kwirega cyangwa kuregera iki cyaha ku mugaragaro. Ikurikirana n'iburanisha ryacyo rikorwa mu ibanga.

Hagamijwe kubungabunga by'umwihariko abakorewe ibi byaha by'urukozasoni, Itegeko ribuza abagize Inteko gutangaza ibyo bamenyeye mu rubanza rwo mu muhezo. Ingingo ya 5 iteganya ko uwo ariwe wese mu bagize Inteko y'Urukiko Gacaca uzaba yatangaje ibanga ryavugiye mu rubanza rwaburanishirijwe mu muhezo, agomba kwirukanwa ku mirimo ye kandi agakurikiranwa kuri icyo cyaha agahanishwa igihano kiri hagati y'umwaka umwe n'imyaka itatu y'igifungo.

Mu rwego kunoza imigendekere y'iburanisha ry'imanza zo muri icyo cyiciro gisoza, Urwego rw'lgihugu rushinze Inkiko Gacaca rwateguye amahugurwa rusange ku Itegeko Ngenga rishya. Ayo mahugurwa yakurikiwe n'andi y'umwihariko yateguwe n'Urwego rw'lgihugu rushinze Inkiko Gacaca rufatanyije n'Ishuri Rikuru ryo kwigisha no guteza imbere amategeko (ILPD) yari agenewe Inyangamugayo zatoranyirijwe kuburanisha imanza zo mu rwego rwa mbere zirimo iz'ibyaha byo gusambanya ku gahato no kwangiza

imyanya ndangagitsina. Amahugurwa yibanze gusa ku iburanisha ry'imanza z'ibyaha byo gusambanya ku gahato no kwangiza imyanya ndangagitsina (ibiteganywa n'amategeko, gahunda y'iburanisha ndetse n'ubufasha mu byihungabana ku bantu bakorewe ibyo byaha). Ayo mahugurwa yabaye kuva mu kwezi kwa Nyakanga kugeza muri Nzeri 2008.

Muri urwo rwego kandi, Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwatanze amabwiriza n° 16/2008 yo ku wa 05/06/2008³⁹ arebana muri rusange n'imanza zo mu rwego rwa mbere by'umwihariko izerekeye ibyaha byo gusambanya ku gahato cyangwa kwangiza imyanya ndangagitsina. Hagamijwe kubungabunga ibanga ry'imanza zaburanishirijwe mu muhezo, ingingo ya 12 y'ayo mabwiriza iharira ububasha bwo gusuzuma ishingiro ryo gusubiramo urubanza rw'ibyaha byo gusambanya ku gahato cyangwa kwangiza imyanya ndangagitsina, abagize Inteko y'Urukiko Gacaca rw'umurenge n'urw'ubujurire ziburanisha ibyo byaha aho kuba abagize ilnama rusange y'umurenge bese.

Agaka ka 2 : Amadosiye ya Jenocide yari akiburanishwa mu Nkiko zisanzwe n'iza Gisirikari

Ivugurura ryo ku wa 19/05/2008 ryatumye amadosiye y'abashinjwa icyaha cya Jenocide yari mu Nkiko zisanzwe n'iza gisirikari atarafatwaho umwanzuro ku rwego rwa nyuma yoherezwa Inkiko Gacaca. Abantu bemeranywaga ku bushobozi bw'Inkiko Gacaca mu kwihutisha izo manza. Iyi mvugo yashimangiye n'umusaruro wagezweho wagaragazaga ubushobozi bw'Inkiko Gacaca bwo kuburanisha imanza zo mu rwego rwa mbere.

Ingingo ya 26 y'Itegeko ryavuzwe hejuru iteganya ko imanza z'ibyaha bya Jenocide ziri mu Nkiko zisanzwe n'iza Gisirikari zikaba ziri mu bubasha bw'Inkiko Gacaca zihabwa Inkiko Gacaca zikaziburanisha mu buryo bukurikira :

1. Imanza ziri mu Nkiko zisumbuye n'iza Gisirikari zitarafatwaho umwanzuro wa nyuma, ziburanishwa bwa mbere n'Inkiko Gacaca z'imurenge z'aho ibyaha byakorewe;

³⁹ URWEGO RW'IGIHUGU RUSHINZWE INKIKO GACACA, *Amabwiriza n°16/2008 yo ku wa 05/06/2008 y'Umunyamabanga Nshingwabikorwa w'Urwego rw'Igihugu rushinzwe Inkiko Gacaca arebana n'imanza z'abaregwa ibyaha bya jenocide n'ibindi byaha byibasiye inyokomuntu byo mu rwego wa mbere, imanza za jenocide zizava mu nkiko zisanzwe n'iza Gisirikare no gusubiramo imanza mu Nkiko Gacaca*, Kigali, 2008.

2. Imanza zajuririwe ziri mu Rukiko Rukuru rwa Repubulika cyangwa Urukiko Rukuru rwa Gisirikari zitarafatwaho umwanzuro wa nyuma ziburanishwa mu bujirire n'Inkiko Gacaca z'ubujirire z'aho ibyaha byakorewe ;
3. Imanza zaburanishijwe n'Inkiko zisumbuye n'iza Gisirikari zikaba zitararenza igihe cyo kujurira giteganywa n'amategeko ziburanishwa mu bujirire n'Inkiko Gacaca z'ubujirire z'aho ibyaha byakorewe ;
4. Imanza ziri mu Rukiko rw'Ikirenga zitarafatwaho umwanzuro wa nyuma ziburanishwa bwa nyuma n'Inkiko Gacaca z'ubujirire z'aho ibyaha byakorewe.
5. Imanza zaburanishijwe n'Urukiko Rukuru rwa Repubulika n'izaburanishijwe n'Urukiko Rukuru rwa Gisirikari zitararenza igihe cyo kujurira giteganywa n'amategeko ziburanishwa n'Inkiko Gacaca z'ubujirire z'aho ibyaha byakorewe.

Amadosiye yose yoherejwe Inkiko Gacaca yakorewe incamake nto yoroherezaga Inyangamugayo kuzisesengura. Mu byo iyo ncamake yagaragazaga harimo ababuranyi, ibyaha abaregwa baashinjwa, abatangabuhamya, urwego urubanza ruzezeho, Urukiko rwohereje dosiye n'Urukiko Gacaca rwoherejwe dosiye. Incamake yabaga ikoze mu nyandiko ebyiri zisa, imwe ikaguma mu rukiko rwohereje dosiye indi igaherekeza dosiye.

Inzego z'ubugenzacyaha n'ubushinjacyaha, kuva icyo gihe zahise zishyikiriza Inkiko Gacaca amadosiye zifitiye ububasha bwo kuburanisha nk'uko biteganywa n'Itegeko Ngenga n° 13/2008. Muri icyo gihe Inkiko Gacaca nazo zatangiye kohereza amadosiye yo mu rwego rwa mbere ari mu bubasha bw'Inkiko zisanze n'iza Gisirikari kugira ngo zizayaburanishe.

Agaka 3 : Irangizwa ry'igihano cy'igifungo ku bantu bireze bakemera icyaha, bakicuza bagasaba imbabazi

Umuntu wese uhamwe n'icyaha cya Jenocide ahanishwa igihano cy'igifungo uretse abakurikiranyweho ibyaha byo mu rwego rwa gaturu. Uburyo icyo gihano kirangizwa bitandukana bitewe no kuba uwahamwe n'icyaha yaritabiriye cyangwa ataritabiriye gahunda yo kwirega, kwemera icyaha, kwicuza no gusaba imbabazi.

Ingingo ya 21 iteganya ko umuntu wese wahanishijwe igihano cy'igifungo gikomatanijye n'imirimo nsimbura gifungo ifitiye Igihugu akamaro n'isubika gifungo, atangirira ku mirimo nsimburagifungo ifitiye Igihugu akamaro yayirangiza kandi yayikoze neza, igihe yagombaga kurangiriza muri gereza nacyo agikoramo imirimo nsimburagifungo ifitiye Igihugu akamaro. icyakora, iyo bidashoboka ko uwo muntu ahita atangira imirimo nsimburagifungo ifitiye Igihugu akamaro, igihe amara ategereje kuyitangira kibarwa mu gihe cy'isubikagifungo.

Iyo uwahanishijwe gukora imirimo nsimburagifungo ifitiye Igihugu akamaro cyangwa uwahanishijwe isubikagifungo atarangije neza igihano cye, asubizwa muri Gereza akaharangiriza igihano cy'igifungo Urukiko rubifitiye ububasha rwari rwaramukatiye. Iyo ugomba gusubizwa muri Gereza kuharangiriza igihano kubera kwitwara nabi yarimo akora imirimo nsimburagifungo ifitiye Igihugu akamaro, Komite y'imirimo nsimburagifungo ifitiye Igihugu akamaro y'aho yagikorera ikora raporo ku myitwarire ye. Iyo raporo yohererezwa Urukiko Gacaca rwamuburanishije bwa nyuma cyangwa ikohererezwa Urukiko Gacaca binganya ububasha rw'aho imirimo nsimburagifungo irimo kubera, cyangwa mu gihe Inkiko Gacaca zarangije imirimo yazo ikohererezwa Urukiko rw'ibanze, rukamukorera icyemezo cyo kumufunga.

Iyo umuntu ugomba gusubizwa muri Gereza kurangiza igihano cye kubera imyitwarire mibi yari mu isubikagifungo, Polisi y'Igihugu ikora raporo ku myitwarire ye. Iyo raporo yohererezwa Ubushinjacyaha kugira ngo buyifashishe busaba Urukiko Gacaca rwamuburanishije bwa nyuma cyangwa Urukiko Gacaca binganya ububasha rw'aho uwo muntu atuye cyangwa se Urukiko rw'ibanze iyo Inkiko Gacaca zarangije imirimo yazo, rukamukorera icyemezo cyo kumufunga. Ariko rero iyo uwakatiwe igihano cy'igifungo gisimbujwe igihano cy'imirimo nsimburagifungo ifitiye Igihugu akamaro cyangwa isubikagifungo ahamwe n'ikindi cyaha, igihe yari amaze muri iyo mirimo cyangwa mu isubikagifungo kiba imfabusa maze nyirubwite akajyanwa muri Gereza kuharangiriza igihano cyose yari yarakatiwe n'Urukiko kandi akanakurikiranwa ku cyaha gishya yakoze.

Icyakora, iyo adahamwe n'icyo cyaha gishya, ararekurwa agasubizwa mu gihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro cyangwa agasubizwa mu isubikagifungo ribarirwamo na cya gihe yamaze muri Gereza.

Agaka ka 4 : Ikurikirana ry'ibyaha bya Jenocide n'ibyaha byibasiye inyokomuntu nyuma y'isozwa ry'imirimo y'Inkiko Gacaca

Inshingano zo gukurikirana abakoze ibyaha bya Jenocide n'ibindi byaha byibasiye inyokomuntu byakorewe mu Rwanda hagati y'itariki ya mbere Ukwakira 1990 n'ya 31 Ukuboza 1994 zizakomeza na nyuma yo gusozwa imirimo y'Inkiko Gacaca. Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwiyejeje kongera umbaraga mu gukurikirana imigendekere y'imanza kugira ngo rishobore kurangira neza ndetse bisozwe n'imihango yo gusozwa ku mugaragaro. Nubwo Inkiko Gacaca zagize uruhare runini mu kuburanisha imanza za jenocide ; ntawahamya ko abagize uruhare muri Jenocide bese bamenyekanye bakanashyikirizwa ubutabera.

Kubera iyi mpamvu, ingingo ya 25 y'Itegeko Ngenga n° 13/2008 ryo ku wa 19/05/2008 yatanze icyerekezo muri aya magambo: « *Ibyaha bya Jenocide n'ibindi byaha byibasiye inyokomuntu bigaragaye nyuma y'isozwa ry'imirimo y'Inkiko Gacaca bikurikiranwa mu buryo bw'ikurikiranabyaha busanzwe kandi biburanishwa n'Inkiko zisanzwe n'iza gisirikare haseguriwe ibyihariye biteganywa n'Itegeko Ngenga n° 16/2004 ryo ku wa 19/06/2004...* ». Iryo kurikiranabyaha rishingira ku kudasaza ku byaha guteganywa n'iyi ngingo muri aya magambo : « *Ikurikiranacyaha n'ikurikiranabihano ku byaha bigize jenocide cyangwa ibyaha byibasiye inyokomuntu ntibisaza* ».

Igika cya 4. Agahimbazamusyi k'Inyangamugayo

Mu rwego rwo korohereza Inyangamugayo kurangiza inshingano zazo ziremereye kandi zifite agaciro kanini zijyanye no kunga umuryango nyarwanda binyujijwe mu Inkiko Gacaca, Guverinoma y'u Rwanda ifatanyije n'abaterankunga ba gahunda z'ubutabera⁴⁰, yashyizeho gahunda zigamije guteza imbere imibereho y'Inyangamugayo.

Byari bigoye kumenya igikorwa gihwanye n'ubwitange bw'Inyangamugayo. Mu byakozwe harimo: kwivuzwa aribyo byabanje, hakurikiraho gushaka inyoroshyirugendo, uburyo bwo kubona no kumenya amakuru, imirimo ibyara inyungu n'ibindi.

⁴⁰ Cyane cyane CTB n'Ubuholande.

Kuva mu mwaka wa 2002, Guverinoma yiyemeje kwishyurira Inyangamugayo ubwisungane mu kwivuzza ku buryo buri Nyangamugayo ivuza abantu 5 bo mu muryango wayo nayo ibariwemo. Iki gikorwa cyatwaye akayabo k'amafaranga y'u Rwanda angana na 3.800.348.174. Uretse kandi ubwisungane bw'ubuzima, Guverinoma, ibitwemo inkunga na CTB, yagerageje korohereza urugendo Inyangamugayo mu rwego rwo kuzaza inshingano zazo. Muri urwo rwego, mu mpera z'umwaka wa 2007, buri Rukiko Gacaca rwahawe igare rishya ryo kuborohereza ingendo haba igihe bakora iperereza cyangwa bajyanye ihamagara kure.

CTB kandi yafashije mu gukemura ikibazo cyo kugeza amakuru ku Nyangamugayo hatangwa iradiyo kuri buri Nyangamugayo. Ibi byatumye Inyangamugayo zishobora gukurikirana umunsi ku wundi amakuru n'ibiganirije bijyanye cyane cyane na Gacaca. Mu rwego rwo gutangaza amakuru arebana n'Inkiko Gacaca kandi habayeho no kwandika no gukwirakwiza ikinyamakuru « *INKIKO GACACA* » ku nkunga y'Umuryango w'ibihugu by'iburayi. icyo kinyamakuru cyabaga gikubiyemo amakuru ku Nkiko Gacaca kigafasha Inyangamugayo kwigira ku bunararibonye bw'izindi. Hagamijwe kandi koroshya itumanaho hagati y'Inyangamugayo n'Urwego rw'Igihugu rushinzwe Inkiko Gacaca, isosiyete y'itumanaho yo mu Rwanda (MTN), yageneye Urwego rw'Igihugu rushinzwe Inkiko Gacaca imirongo 20 y'ubuntu y'itumanaho rikoresheje telefone zigendanwa.

Ku bijyanye n'imirimo ibyara inyungu, Inyangamugayo zagiriwe inama yo kwibumbira mu mashyirahamwe bityo zigatererwa inkunga hamwe. Bityo, ku nkunga ya CTB n'Ubuholandi inyangamugayo zahawe amafaranga 1.253.460.000 ni ukuvuga amafaranga 10.000 kuri buri Nyangamugayo. Ayo makoperative yatangiye gukora na bimwe mubyo akora byageze ku isoko. Koperative y'inyangamugayo zo mu Karere ka Musanze niyo yabimburiye ayandi.

Mu gusoma iyi ngingo, twashimangira ko Guverinoma mu mikoro yayo make, ntacyo itakoze ngo itere ingabo mu bitugu Inyangamugayo ngo zisoze inshingano ziremereye zahawe.

Igika cya 5. Gusozwa imirimo y'Inkiko Gacaca

Gusozwa ku mugaragaro imirimo y'Inkiko Gacaca byabanjirijwe n'imyiteguro irimo kurangiza ama yakiriwe, gutarura ibikoresho byakoreshejwe n'Inkiko Gacaca no gushyiraho Ikigo cy'Ishtyuringany n'Ububikoshakiro ku Nkiko Gacaca.

Agaka ka 1. Kurangiza amadosiye yakiriwe

Mbere yo gutangaza isoza ku mugaragaro ry'imirimo y'Inkiko Gacaca, izo Nkiko zabanje mbere na m kurangiza amadosiye yose arebana n'icyaha cya jenocide zari zarakiriye.

Aka kazi katoroshye kagezweho kubera ingamba zitandukanye zafashwe n'Urwego rw'Igihugu rus Inkiko Gacaca. Mu by'ukuri, Inkiko Gacaca zarangirije inshingano zazo ku manza zo mu rwego rwa zari zishishikaje abantu benshi, aho bamwe batumvaga uburyo zizacibwa ndetse binabahangaye Kubera iyi mpamvu, Urwego rw'Igihugu rushinzwe Inkiko Gacaca, aho byabaga ari ngombwa, rushingiye ku biteganywa n'ingingo ya 23 n'ya 50 z'Itegeko Ngenga rigenga Inkiko Gacaca, rwag Inkiko Gacaca zo mu zindi fasi kugira ngo ziburanishe amadosiye yateje umwuka mubi. Iki cy cyagize akamaro kanini bitewe n'ubuzobere ariko cyane cyane ubwigenge bw'izo Nkiko Gaca bashoboraga kugeregeza kuzikoresha. Inkiko zimwe na zimwe zari zifite umubare munini w'ama zafashe ingamba zo kuburanisha iminsi myinshi ikurikiranye hagamijwe kubungabunga imigen myiza y'imanza hirindwa isubika rya hato na hato ridafite ishingiro. Hagati aho Urwego rw' rushinzwe Inkiko Gacaca narwo rwashyize imbaraga mu gusubiza mu nyandiko ibibazo rwaragejweho n'abaturage cyane cyane nyuma yo kwangirwa n'inzego zibifitiye ububasha ko i zabo zisubirwamo.

Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwakoresheje kandi inama ku rwego rwa buri m w'ubuyobozi hagamijwe gusuzuma no kureba ibyagezweho n'Inkiko Gacaca n'uko abaturage baby izo nama zayoborwaga n'abanyamategeko b'Urwego rw'Igihugu rushinzwe Inkiko Gacaca zigatumi abaturage bose, Inyangamugayo n'abayobozi b'inzego z'ibanze. Muri izo nama, abaturage bis ibyagezweho n'inkiko Gacaca banashimira cyane Inyangamugayo ku kazi zakoze ariko na none bafite ibibazo, wari n'umwanya wo kubigaragaza maze umunyamategeko agatanga inama

cyakemuka. Izi nama kandi zabaye urubuga rwo kwibutsa abaturage ko icyaha cya Jenocide n'ibindi byibasiye inyokomuntu bidasaza bityo ko ababikoze bazakomeza gukurikiranwa na nyuma yo gashyirwemo imirimo y'Inkiko Gacaca. Izo nama zateguraga isoza ry'imirimo y'Inkiko Gacaca zatangiye mu kwezi kwezi zikururira mu kwezi kwa Nyakanga umwaka wa 2009. Zakurikiwe no gutarura ibikoreshe bya Gacaca bishyingurwa mu Kigo cy'ishyiruranyandiko n'ububikoshakiro ku Nkiko Gacaca.

Agaka ka 2. Ikigo cy'ishyiruranyandiko n'ububikoshakiro ku Nkiko Gacaca

Mu rwego kwibuka Jenocide yakorewe Abatutsi yo mu mwaka wa 1994 no kubika ibimenyetso by'abanyarwanda yaranze Abanyarwanda, Urwego rw'igihugu rushinzwe Inkiko Gacaca rwashyizeho cy'ishyiruranyandiko n'ububikoshakiro ku Nkiko Gacaca. icyo kigo cyakusanyirijwemo inyandiko z'inyandiko zose zakoreshejwe n'Inkiko Gacaca harimo rejisitiri n'amakaye byakoreshejwe ikusanyamakuru, amakayi y'ibikorwa ya buri Rukiko, inyandiko z'imanza zaciwe, arashyirwemo Inyangamugayo n'ibindi.

Ikigo gikusanyirijwemo kandi, amajwi n'amashusho byafashwe ku manza zimwe na zimwe cyangye yindi mirimo y'ingenzi. Ikigo cyahawe uburyo bwo gushyirura inyandiko hakoreshejwe ikoranabwo butuma ziboneka kandi zigakoreshejwe ku buryo butagoranye. Ikigo kizifashishwa kandi nk'ikigega cy'ibikorwa by'amakuru mu bushakashatsi ku manza za Jenocide yakorewe Abatutsi mu mwaka wa 1994 rishyirwemo gahunda y'Inkiko Gacaca.

Na none ikigo kizaba ingirakamaro ku bindi bihugu bishobora kuzahitamo gukoresha uburyo bukurikira Gacaca nyarwanda mu rwego rwo gukemura amakimbirane. Twibutse ko Inama y'Abaminisitiri yo kuwa 15/04/2009 yemeje ko iki kigo kizungurwa na Komisiyo y'igihugu yo kurwanya Jenocide nyuma yo gashyirwemo gahunda y'Inkiko Gacaca.

Agaka ka 3. Umuhango wo gusozza imirimo y'Inkiko Gacaca ku rwego rw'umurenge

Gahunda yo gusozza ku mugaragarira imirimo y'Inkiko Gacaca ku rwego rw'umurenge, yakurashyirwemo hashingiwe ku ntera imirimo y'Inkiko Gacaca igezeho haba mu iburanisha cyangwa mu raporo y'ibya byaburikira na buri Rukiko Gacaca. Bityo mu gihe icyo mirimo yamaraga gusozwa neza, Inyangamugayo zifashyirwemo

n'Umunyamabanga Nshingwabikorwa w'Umurenge bireba hamwe n'Umuhuzabikorwa w'Imirimo Gacaca ukurikirana iyo mirimo muri uwo Murenge bumvikanaga ku munsu wo gusoza ku mugagahunda y'Inkiko Gacaca muri uwo Murenge. Uwo munsu wamenyeshwaga Urwego rw'Igihugu rusinkiko Gacaca narwo rukaboneraho gutunganya no gutegura ibyemezo by'ishimwe n'imidari byaginyangamugayo nk'ikimenyetso cyo kuzirikana umurimo ukomeye bakoreye Igihugu.

Kwambikwa imidari no guhabwa ibyemezo by'ishimwe byakorerwaga mu muhango nyirizina wo gusomugaragaro imirimo y'Inkiko Gacaca wabaga witabiriwe n'abayobozi b'inzego z'ibanze, abaz'umutekano n'abaturage bose bo muri uwo Murenge. Umurenge wa JURU wo mu Karere ka BUGE mu ntara y'IBURASIRAZUBA niwo wabimburiye iyindi mu gusoza ku mugaragaro imirimo y'Inkiko (ku wa 23/10/2009. Gutanga imidari n'ibyemezo by'ishimwe ku Nyangamugayo byakomereje mhirense uko imirimo y'Inkiko Gacaca yagendaga isoza. Imihango yasozwaga n'ubusabane, ababishimira ibyagezweho n'Inkiko Gacaca bose babigizemo uruhare.

Imbonerahamwe n°20: Igihe umuhango wo gusoza wabereye muri buri Murenge w'ubuyobozi

Intara	Akarere	Umurenge	Itariki y'umuhango wo gusoza
Umujyi wa Kigali	NYARUGENGE	Mageragere	08/12/2009
		Kanyinya	15/02/2010
		Kigali	23/03/2010
		Nyakabanda	07/05/2010
		Rwezamenyo	07/05/2010
		Nyamirambo	21/05/2010
		Kimisagara	21/05/2010
		Gitega	21/05/2010
		Nyarugenge	30/05/2010
		Muhima	04/06/2010
	KICUKIRO	Masaka	08/12/2009
		Kagarama	08/12/2009
		Kicukiro	08/12/2009

		Nyarugunga	30/03/2010
		Gahanga	05/04/2010
		Niboye	30/04/2010
		Kanombe	30/04/2010
		Gatenga	30/04/2010
		Gikondo	18/05/2010
		Kigarama	21/05/2010
	GASABO	Kinyinya	18/12/2009
		Gikomero	18/12/2009
		Nduba	18/12/2009
		Kacyiru	06/04/2010
		Gisozi	06/04/2010
		Jabana	06/04/2010
		Rusororo	06/04/2010
		Bumbogo	06/04/2010
		Jali	27/04/2010
		Gatsata	30/04/2010
		Kimihurura	02/05/2010
		Ndera	07/05/2010
		Rutunga	08/05/2010
		Kimironko	08/05/2010
		Remera	14/05/2010
	KAMONYI	Karama	19/02/2010
		Kayumbu	19/02/2010
		Kayenzi	20/02/2010
		Nyamiyaga	17/03/2010
		Ngamba	22/03/2010
		Gacurabwenge	31/03/2010
		Rukoma	31/05/2010
		Musambira	10/05/2010

		Runda	18/05/2010
		Nyarubaka	18/05/2010
		Rugalika	24/05/2010
		Mugina	28/05/2010
	MUHANGA	Rugendabari	04/12/2009
		Nyabinoni	04/12/2009
		Kabacuzi	04/12/2009
		Kibangu	04/12/2009
		Rongi	04/12/2009
		Shyogwe	02/02/2010
		Nyarusange	16/02/2010
		Mushishiro	09/03/2010
		Cyeza	30/03/2010
		Muhanga	06/04/2010
		Nyamabuye	29/04/2010
		Kiyumba	29/04/2010
	RUHANGO	Kinihira	19/02/2010
		Byimana	19/02/2010
		Mwendo	19/02/2010
		Mbuye	19/02/2010
		Kabagali	12/03/2010
		Ruhango	27/04/2010
		Kinazi	11/05/2010
		Bweramana	18/05/2010
		Ntongwe	28/05/2010
	NYANZA	Muyira	19/02/2010
		Nyagisozi	19/02/2010
		Busoro	19/02/2010
		Kibirizi	19/02/2010
		Ntyazo	19/02/2010

		Kigoma	29/03/2010
		Rwabicuma	05/04/2010
		Mukingo	06/05/2010
		Busasamana	06/05/2010
		Cyabakamyi	01/06/2010
	HUYE	Tumba	26/02/2010
		Kinazi	26/02/2010
		Gishamvu	26/02/2010
		Kigoma	05/03/2010
		Rusatira	05/03/2010
		Simbi	29/01/2010
		Mukura	29/01/2010
		Rwaniro	29/01/2010
		Maraba	29/01/2010
		Karama	26/03/2010
		Mbazi	30/04/2010
		Huye	30/04/2010
		Ngoma	28/05/2010
		Ruhashya	28/05/2010
	GISAGARA	Mamba	12/02/2010
		Gikonko	12/02/2010
		Musha	12/02/2010
		Mukindo	12/02/2010
		Muganza	12/02/2010
		Gishubi	12/02/2010
		Nyanza	12/02/2010
		Kigembe	12/02/2010
		Kansi	19/02/2010
		Kibirizi	05/03/2010
		Mugombwa	19/03/2010

		Save	14/05/2010
		Ndora	27/05/2010
	NYAMAGABE	Uwinkingi	04/11/2009
		Musebeya	04/11/2009
		Nkomane	04/11/2009
		Buruhukiro	04/11/2009
		Kitabi	04/11/2009
		Gatare	20/02/2010
		Mushubi	25/03/2010
		Mbazi	25/03/2010
		Kibirizi	14/04/2010
		Kamegeri	26/04/2010
		Tare	27/04/2010
		Kibumbwe	01/05/2010
		Cyanika	01/05/2010
		Mugano	05/05/2010
		Musange	05/05/2010
		Gasaka	11/06/2010
		Kaduha	11/06/2010
	NYARUGURU	Munini	05/11/2009
		Kivu	05/11/2009
		Muganza	05/11/2009
		Nyabimata	05/11/2009
		Ngoma	05/11/2009
		Ngera	05/02/2010
		Nyagisozi	05/02/2010
		Mata	05/02/2010
		Kibeho	05/02/2010
		Cyahinda	05/02/2010
		Busanze	05/02/2010

		Ruramba	05/02/2010
		Ruheru	05/03/2010
		Rusenge	05/03/2010
Iburengerazuba	NGORORERO	Kageyo	08/12/2009
		Matyazo	08/12/2009
		Muhororo	08/12/2009
		Kavumu	18/02/2010
		Kabaya	18/02/2010
		Ngororero	18/02/2010
		Hindiro	18/02/2010
		Sovu	31/03/2010
		Gatumba	29/04/2010
		Muhanda	27/05/2010
		Bwira	04/06/2010
		Nyange	04/06/2010
		Ndaro	04/06/2010
	NYABIHU	Jomba	08/12/2009
		Mulinga	08/12/2009
		Rurembo	08/12/2009
		Kintobo	08/12/2009
		Rugera	08/12/2009
		Kabatwa	08/12/2009
		Bigogwe	16/03/2010
		Rambura	02/04/2010
		Shyira	03/04/2010
		Karago	06/04/2010
		Mukamira	05/05/2010
		Jenda	07/05/2010
	RUSIZI	Nyakabuye	17/11/2009
		Nzahaha	17/11/2009

		Bweyeye	17/11/2009
		Nkombo	17/11/2009
		Gikundamvura	17/11/2009
		Bugarama	22/12/2009
		Nkungu	22/12/2009
		Butare	22/12/2009
		Nyakarenzo	28/01/2010
		Rwimbogo	28/01/2010
		Gitambi	28/01/2010
		Nkanka	28/01/2010
		Gihundwe	24/03/2010
		Kamembe	29/03/2010
		Mururu	29/03/2010
		Gashonga	09/06/2010
		Giheke	09/06/2010
		Muganza	08/07/2010
	NYAMASHEKE	Shangi	18/11/2009
		Nyabitekeri	18/11/2009
		Cyato	18/11/2009
		Rangiro	18/11/2009
		Kilimbi	18/11/2009
		Mahembe	18/11/2009
		Karambi	22/11/2009
		Karengera	29/01/2010
		Ruharambuga	29/01/2010
		Bushekeri	29/01/2010
		Kanjongo	29/01/2010
		Macuba	19/03/2010
		Bushenge	03/06/2010
		Gihombo	03/06/2010

		Kagano	05/08/2010
	KARONGI	Mubuga	27/11/2009
		Gishyita	27/11/2009
		Twumba	27/11/2009
		Gashari	27/11/2009
		Ruganda	27/11/2009
		Mutuntu	27/11/2009
		Rugabano	27/11/2009
		Rwankuba	30/03/2010
		Murundi	30/03/2010
		Murambi	30/03/2010
		Gitesi	30/03/2010
		Rubengera	02/06/2010
		Bwishyura	02/06/2010
	RUTSIRO	Musasa	26/11/2009
		Murunda	26/11/2009
		Rusebeya	26/11/2009
		Manihira	26/11/2009
		Nyabirasi	26/11/2009
		Kigeyo	26/11/2009
		Kivumu	26/11/2009
		Ruhango	26/11/2009
		Mushonyi	26/11/2009
		Mushubati	30/03/2010
		Mukura	30/03/2010
		Boneza	30/03/2010
		Gihango	31/05/2010
	RUBAVU	Rubavu	08/12/2009
		Kanama	08/12/2009
		Nyamyumba	08/12/2009

		Busasamana	08/12/2009
		Cyanzarwe	08/12/2009
		Bugeshi	06/02/2010
		Nyakiriba	16/02/2010
		Nyundo	16/02/2010
		Kanzenze	16/02/2010
		Rugerero	17/02/2010
		Gisenyi	29/03/2010
		Mudende	06/04/2010
Amajyaruguru	MUSANZE	Gashaki	20/11/2009
		Busogo	20/11/2009
		Gacaca	20/11/2009
		Gataraga	20/11/2009
		Kimonyi	20/11/2009
		Kinigi	20/11/2009
		Muko	20/11/2009
		Musanze	20/11/2009
		Nkotsi	20/11/2009
		Nyange	20/11/2009
		Rwaza	20/11/2009
		Cyuve	25/01/2010
		Remera	25/01/2010
		Shingiro	25/01/2010
		Muhoza	24/03/2010
	BURERA	Cyanika	26/11/2009
		Gahunga	26/11/2009
		Kinoni	26/11/2009
		Butaro	26/11/2009
		Kinyababa	26/11/2009
		Gitovu	26/11/2009

		Rugarama	26/11/2009
		Kagogo	26/11/2009
		Kivuye	26/11/2009
		Gatebe	26/11/2009
		Rusarabuye	26/11/2009
		Nemba	26/11/2009
		Ruhunde	26/11/2009
		Rugendabari	26/11/2009
		Cyeru	26/11/2009
		Rwerere	26/11/2009
		Bungwe	26/11/2009
	GAKENKE	Gashenyi	27/11/2009
		Karambo	27/11/2009
		Nemba	27/11/2009
		Mataba	27/11/2009
		Kamubuga	27/11/2009
		Cabingo	27/11/2009
		Janja	27/11/2009
		Mugunga	27/11/2009
		Rusasa	27/11/2009
		Kivuruga	19/02/2010
		Busengo	19/02/2010
		Muzo	19/02/2010
		Muyongwe	19/02/2010
		Muhondo	19/02/2010
		Ruri	19/02/2010
		Gakenke	27/05/2010
		Minazi	27/05/2010
		Coko	08/06/2010
		Rushashi	08/06/2010

	GICUMBI	Mutete	17/12/2009
		Rutare	17/12/2009
		Muko	17/12/2009
		Nyamiyaga	17/12/2009
		Ruvune	17/12/2009
		Kageyo	17/12/2009
		Kaniga	17/12/2009
		Miyove	17/12/2009
		Rwamiko	17/12/2009
		Cyumba	17/12/2009
		Byumba	17/12/2009
		Bwisige	17/12/2009
		Manyagiro	17/12/2009
		Mukarange	17/12/2009
		Bukure	17/12/2009
		Shangasha	17/12/2009
		Nyankenke	17/12/2009
		Rubaya	17/12/2009
		Rukomo	17/12/2009
		Rushaki	17/12/2009
		Giti	17/12/2009
	RULINDO	Ntarabana	05/11/2009
		Tumba	05/11/2009
		Kinihira	05/11/2009
		Masoro	05/11/2009
		Kisaro	05/11/2009
		Rukozo	05/11/2009
		Buyoga	05/11/2009
		Cyungo	05/11/2009
		Base	05/11/2009

		Murambi	18/12/2009
		Mbogo	18/12/2009
		Rusiga	18/12/2009
		Bushoki	18/12/2009
		Shyorongi	18/12/2009
		Ngoma	18/12/2009
		Burega	18/12/2009
		Cyinzuzi	18/12/2009
Iburasirazuba	RWAMAGANA	Fumbwe	13/11/2009
		Nyakariro	13/11/2009
		Nzige	13/11/2009
		Karenge	13/11/2009
		Rubona	05/03/2010
		Gahengeri	26/02/2010
		Mwurire	23/04/2010
		Muyumbu	30/04/2010
		Munyiginya	07/05/2010
		Munyaga	14/05/2010
		Gishari	10/06/2010
		Kigabiro	22/06/2010
		Musha	09/06/2010
		Muhazi	25/06/2010
	NGOMA	Sake	09/12/2009
		Jarama	09/12/2009
		Karembo	09/12/2009
		Gashanda	09/12/2009
		Rurenge	09/12/2009
		Kazo	09/12/2009
		Mutenderi	09/12/2009
		Rukumberi	30/12/2009

		Remera	30/12/2009
		Murama	30/12/2009
		Rukira	30/12/2009
		Mugesera	26/02/2010
		Zaza	26/02/2010
		Kibungo	02/03/2010
	KIREHE	Kirehe	12/11/2009
		Gahara	12/11/2009
		Kigarama	12/11/2009
		Musaza	12/11/2009
		Nyamugari	12/11/2009
		Mahama	12/11/2009
		Nasho	12/11/2009
		Kigina	31/12/2009
		Mpanga	31/12/2009
		Gatore	31/12/2009
		Mushikiri	23/02/2010
		Nyarubuye	24/02/2010
	KAYONZA	Murundi	12/02/2010
		Rukara	12/02/2010
		Murama	22/02/2010
		Kabarondo	12/03/2010
		Nyamirama	12/03/2010
		Gahini	12/03/2010
		Ruramira	22/01/2010
		Mukarange	12/03/2010
		Ndego	07/12/2009
		Rwinkwavu	07/12/2009
		Kabare	07/12/2009
		Mwiri	07/12/2009

	GATSIBO	Kiziguro	26/01/2010
		Muhura	26/01/2010
		Kiramuruzi	26/02/2010
		Kabarore	04/12/2009
		Ngarama	04/12/2009
		Murambi	22/01/2010
		Rwembogo	04/12/2009
		Kageyo	04/12/2009
		Nyagahanga	04/12/2009
		Rugarama	04/12/2009
		Gitoki	04/12/2009
		Remera	04/12/2009
		Gasange	04/12/2009
		Gatsibo	04/12/2009
	NYAGATARE	Nyagatare	16/11/2009
		Tabagwe	16/11/2009
		Rukomo	16/11/2009
		Katabagemu	16/11/2009
		Gatunda	16/11/2009
		Karama	16/11/2009
		Kiyombe	16/11/2009
		Rwempasha	16/11/2009
		Matimba	16/11/2009
		Rwimiyaga	16/11/2009
		Karangazi	16/11/2009
		Musheri	16/11/2009
		Mimuri	16/11/2009
		Mukama	16/11/2009
	BUGESERA	Juru	23/10/2009
		Shyara	19/11/2009

	Rweru	19/11/2009
	Mayange	19/11/2009
	Nyarugenge	19/11/2009
	Gashora	29/01/2010
	Kamabuye	19/02/2010
	Ngeruka	19/02/2010
	Mareba	19/02/2010
	Rilima	19/03/2010
	Ruhuha	27/05/2010
	Nyamata	10/06/2010
	Mwogo	10/06/2010
	Ntarama	10/06/2010
	Musenyi	25/06/2010

Nkuko byavuzwe haruguru umuhango wo gusoza ku mugaragaro imirimo y'Inkiko Gacaca muri buri Murenge wasozwaga n'ubusabane bw'abaturage, inyangamugayo n'abayobozi b'inzego zitandukanye bose hamwe bishimira ibyagezweho n'Inkiko Gacaca muri uwo Murenge.

Igika cya 6. Uruhare rw'abafatanyabikorwa muri gahunda y'Inkiko Gacaca

Nk'uko twabivuze haruguru, iyo usubije amaso inyuma ukareba uko u Rwanda rwari rwifashe nyuma ya Jenocide yakorewe Abatutsi, inzego zose zari zarasenyutse n'amikoro ari make. Byari bigoye cyane gutangiza iburanisha ry'imanza za jenocide mu Gihugu hose. Ariko nk'uko twabivuze "gushaka ni ko gushobora". Ubushake bw'Abanyarwanda bwo kubaka Igihugu nibwo bwatumye iki gikorwa gihambaye gitangizwa. Abayobozi bakuru b'Igihugu bagiye basobanurira za leta zinyuranye n'imiryango nterankunga iyo nzira nshya yo gutanga ubutabera ku cyaha cya Jenocide hashingiwe ku muco nyarwanda maze benshi muri bo barabyumva, barabyitabira ndetse biyemeza no kubishyigikira.

Ibyo bihugu n'iyi miryango nterankunga bagiye batanga inkunga y'amafaranga n'ibikoresho byashyikirijwe Umutwe wari ushinze Inkiko Gacaca mu Rukiko rw'Ikirenga cyangwa se Urwego rw'Igihugu rushinzwe Inkiko Gacaca. Inkunga y'amafaranga n'ibikoresho yatanze yagiye ikoresheye cyane cyane mu bikorwa bikurikira: amahugurwa y'Inyangamugayo n'abandi bafatanyabikorwa, kugura ibikoresho by'Inkiko Gacaca cyangwa se by'abakozi bari bashinze guhuza ibikorwa byazo, ubukangurambaga ku bikorwa by'Inkiko Gacaca, kwongerera ubushobozi abakozi b'Urwego rw'Igihugu rushinzwe Inkiko Gacaca, kunganira mu ikorwa rya raporo isoza imirimo y'Inkiko Gacaca, gukora isuzuma rigaragaza uko Inkiko Gacaca zageze ku ntego, n'ibindi. Ingano y'inkunga yose yatanze mu gushyigikira iyi gahunda y'Inkiko Gacaca mu buryo burambuye, mwayisanga muri raporo y'ibikorwa by'Urwego rw'Igihugu rushinzwe Inkiko Gacaca.

Abafatanyabikorwa b'ingenzi batanze inkunga y'amafaranga muri gahunda y'Inkiko Gacaca ni aba bakurikira: Ubuholandi, Ububiligi (CTB), Umuryango w'Ubumwe bw'Uburayi, Ishami ry'Umuryango w'Abibumbye ritsura Amajyambere (UNDP), Leta ya Otorisiya, USAID, Ubusuwisi, Norwegian Church Aid, ASF na JOHNS HOPKINGS UNIVERSITY.

Hari kandi abatanze ibitekerezo na raporo binyuranye kuri gahunda y'Inkiko Gacaca haba mu gihe cy'ikusanyamakuru no mu iburanisha. Muri abo twavuye nk'imiryango itegamiye kuri Leta nka IBUKA n'indi miryango iyishamikiyeho iharanira uburenganzira bw'abarokotse Jenocide, AVEGA, PEAPG, PRO-FEMMES, CCOAIB, LDGL, LIPRODHOR, Human Rights Watch, Penal Reform International, RCN, LA BENEVOLENCIA, AEGIS TRUST, ibitangazamakuru, abantu ku giti cyabo bagiye basura gahunda y'Inkiko Gacaca cyane cyane mu gihe cy'iburanisha, abakoze ubushakashatsi bakandika n'ibitabo, n'abandi bakurikiranye iyi gahunda y'Inkiko Gacaca kuva itangiye kugeza isoje.

Bitewe n'uko Inkiko Gacaca ari gahunda ya Leta, birumvikana ko inzego zose za Leta zayishyigikiye mu buryo bumwe cyangwa ubundi hashingiye ku nshingano za buri rwego. By'umwihariko ariko hari inzego zabaye hafi iyo gahunda bituma irushaho kugenda neza. Muri zo twavugaga nk'inzego z'ibanze zageneraga Inkiko Gacaca aho zikorera zikanashishikariza abaturage kwitabira ibikorwa byazo, Komisiyo y'Igihugu y'Uburenganzira bwa Muntu yahuzaga ibikorwa byose by'indorererezi zasuraga Inkiko Gacaca, igahuza raporo yazo ikayigeza ku Rwego rw'Igihugu rushinzwe Inkiko Gacaca kugira ngo narwo rufate ingamba zikwiye, inzego zishinzwe umutekano zabumbatiye umutekano mu mirimo y'Inkiko Gacaca, Urwego rw'Igihugu rushinzwe imfungwa n'abagororwa, Komisiyo y'Igihugu y'Ubumwe n'Ubwiyunge, Minisiteri y'Ubutabera, Minisiteri y'Ubutegetsi bw'Igihugu, Minisiteri y'Umutekano mu Gihugu, Ubushinjacyaha, Urukiko rw'Ikirenga, n'izindi. Muri rusange, imikoranyirye myiza yaranze inzego za Leta muri iyi gahunda ni imwe mu nkingi zatumye gahunda y'Inkiko Gacaca igera ku ntego.

Leta y'u Rwanda irashimira abafatanyabikorwa bose bagize uruhare rutandukanye mu gushyigikira iyi gahunda y'Inkiko Gacaca. Umusanzu wabo waje mu gihe gikwiriye kandi wabaye ingirakamaro cyane. Ibi bigaragaza ubushake bwo gushyigikira u Rwanda gukomeza mu nzira rwiyeje yo kuba Igihugu kigendera ku mategeko.

Umutwe wa III. IBISOBANURO KU BYANENZWE GAHUNDA Y'INKIKO GACACA N'IBYIZA DUKESHA IYI GAHUNDA

Urwego rw'Igihugu rushinzwe Inkiko Gacaca rumaze kubona ko hari abantu n'imiryango bagiye batangaza mu maraporo yabo cyangwa mu zindi nyandiko amakuru atandukanye n'ukuri ku byakozwe muri gahunda y'Inkiko Gacaca, rwasanze ari ngombwa kugira ibisobanuro rutanga kugira ngo bifashe abifuza kumenya neza gahunda y'Inkiko Gacaca. Ibi bisobanuro birebana n'ibyagiye binengwa gahunda y'Inkiko Gacaca no ku imanza zimwe na zimwe zitavuzweho rumwe. Iki gitabo kandi kiragaragaza ingero za bimwe mu byaha byakozwe mu gihe cya jenocide bigaragaza ubugome bw'indengakamere ibyaha bya Jenocide byakoranywe na zimwe mu ndagagaciro zagaragaye muri gahunda y'Inkiko Gacaca. Igika cya mbere : Bimwe mu byanenzwe gahunda y'Inkiko Gacaca n'ibisobanuro byabyo

Iki gice gikubiyemo ibisobanuro birebana n'uburenganzira bwo kwiregura no kunganirwa mu Inkiko Gacaca, uruhare rw'abaturage mu mirimo y'Inkiko Gacaca, kuba inkiko Gacaca zitaraburanishije ibyaha byakozwe n'abahoze ari ingabo z'umuryango FPR Inkotanyi, imanza z'abanyepolitiki, ruswa yavuzwe ku

Nyangamugayo, kugaragaza ibyashingiweho mu guca urubanza, Inyangamugayo zikekwaho kugira uruhare muri jenocide, kwihutisha imirimo y'Inkiko Gacaca no gutanga ubutabera bunoze, imiburanishirize y'ibyaha byo gusambanya ku gahato no kwangiza imyanya ndangagitsina, kuba Inkiko Gacaca zitaratanze indishyi z'akababaro ku bakorewe jenocide, ibindi bikorwa bibi bitahanwe n'Inkiko Gacaca, kuba Inyangamugayo z'Inkiko Gacaca zitarize amategeko, gusubika kenshi isozwa ry'imirimo y'Inkiko Gacaca, kuba harabayeho kuvugurura kenshi amategeko agenga Inkiko Gacaca, kuba ikusanyamakuru ritagaragaje ukuri kose kuri jenocide n'abavuga ngo Gacaca ni ubutabera bw'abatsinze urugamba.

Agaka ka mbere: kutagira uburenganzira bwo kwiregura no kunganirwa mu Inkiko Gacaca

Uburenganzira bwo kwiregura no kunganirwa mu rukiko buteganywa n'Itegeko Nshinga rya Repubulika y'u Rwanda nk'uko ryavugururwe kugeza ubu⁴¹ mu ngingo yaryo ya 18 igira iti: *"kumenyeshwa imiterere n'impamvu z'icyaha ukurikiranyweho, kwiregura no kunganirwa ni uburenganzira budahungabanywa mu bihe byose, ahantu hose mu nzego zose z'ubutegetsi, iz'ubucamanza n'izindi zose zifata ibyemezo"*. Ubwo burenganzira kandi buteganywa n'Amasezerano Mpuzamahanga yerekeye uburenganzira mu by'imbonezamubano no mu bya politiki yo ku wa 16 Ukuboza 1966⁴² u Rwanda washyizeho umukono.

Ubu burenganzira busaba ko buri wese ufite icyo aregwa ahabwa umwanya wo kwiregura ndetse yaba abishaka akihitiramo umwunganira. Ibi bituma hirindwa ubusumbane bw'ababuranyi mu kwiregura kuko mu manza z'inshinjabyaha akenshi uruhande rurega ruba ruhagarariwe n'umushinjacyaha waminuje mu mategeko mu gihe uregwa aba ari umuturage ukekweho kugira uruhare mu cyaha rimwe na rimwe uba utanasobanukiwe neza amategeko agenga ukurikiranabyaha. Bityo, ni byiza ko izo mpande zombi zigira ubushobozi bwo ku rwego rumwe imbere y'umucamanza. icyakora nanone, kugira ukunganira mu rubanza si itegeko ni uburenganzira.

Ku birebana n'Inkiko Gacaca, uburenganzira bwo kwiregura no kunganirwa burubahirizwa kuko buri wese uregwa ahabwa umwanya wo kwiregura⁴³ kandi afite n'uburenganzira bwo gushaka no kugira

⁴¹ Itegeko Nshinga rya Repubulika y'u Rwanda ryo ku wa 04 Kamena 2003, nk'uko ryavugururwe kugeza ubu, Igazeti ya Leta numero idasanze yo ku wa 04/06/2003.

⁴² Pacte International relatif aux droits civils et politiques conclu à New York le 16 décembre 1966, www.admin.ch/ch/f/rs, byarebwe ku wa 23/08/2011.

⁴³ Reba ingingo ya 65, d y'Itegeko Ngenga n° 16/2004 ryo ku wa 19/06/2004 rigena imiterere, ububasha n'imikorere by'Inkiko Gacaca zishinzwe gukurikirana no gucira imanza abakoze ibyaha bya Jenocide n'ibindi byaha byibasiye inyokomuntu byakozwe hagati y'itariki ya mbere Ukwakira 1990 n'ya 31 Ukuboza 1994 nk'uko ryahinduwe kandi ryujijwe kugeza ubu, Igazeti ya Leta ya Repubulika y'u Rwanda numero idasanze yo ku wa 19/06/2004.

abamwunganira mu rubanza rwe, haba mu baturage bitabiriye iburanisha cyangwa se abunganira abandi mu nkiko b'abanyamwuga. Mu by'ukuri Itegeko rigenga Inkiko Gacaca ntaho ribuza uregwa kunganirwa mu rubanza rwe. Ku birebana no kunganirwa n'abunganizi b'umwuga, n'ubwo bitabayeho kenshi, hari ingero z'aho nabyo byagiye bikorwa mu nkiko Gacaca: twavugaga nk'urubanza rwa BYUMA F. Xavier wunganiwe na Me MUTEMBE Protais mu rubanza yaburanishijwe n'urukiko Gacaca rw'Ubujuje rwa Rwigubo, Bwana KARIKUMUTIMA François wunganirwaga na Me BUHURU, Padiri Guy THEUNIS wunganiwe na Me MUTEMBE Protais, Col RUSATIRA Léonidas wunganiwe ne Me Ndimubanzi Simon, Bizimana Japhet wunganiwe na Me TWAYIGIZE J. Claude, n'abandi.

Uruhare rufatika rw'abaturage mu manza za Jenocide ubwarwo rwagaragaje ko abunganizi b'umwuga bagize uruhare ruto mu kumenya ukuri ku byaha byakozwe mu gihe cya Jenocide n'ababigizemo uruhare. Abaturage bari batuye ahantu runaka mu gihe ibyaha byakorwaga biboneye ibyaha bikorwa, ababikoze, ababikorewe bakarokoka ubwabo niba bazi bakatanga amakuru y'umwimerere kuri ibyo byaha kuruta undi muntu waturuka ikantarange. Ikindi ni uko mu manza z'Inkiko Gacaca nta busumbane hagati y'ababuranyi bwahabaye kuko urega, uregwa n'abatangabuhamya bose ni abaturage bari batuye ahantu runaka mu gihe ibyaha byakorwaga baburanishwa n'abaturage bagenzi babo bitoreye.

Agaka ka 2. Guhatira abaturage kwitabira imirimo y'Inkiko Gacaca

Ingingo ya 29 y'Itegeko ngenga n° 16/2004 ryo ku wa 19/06/2004 igira iti :*"kwitabira imirimo y'Inkiko Gacaca ni itegeko kuri buri munyarwanda"*. Inshingano yo kwitabira gahunda y'Inkiko Gacaca kuri buri munyarwanda ifitanye isano no gutanga ubuhamya⁴⁴. Inkiko Gacaca ni ubutabera bushingiye ku baturage. Abaturage niba bafite amakuru ku byaha byakozwe kuko barimo ababyiboneye bikorwa harimo n'ababikoze babyemera. Ntawashobora rero kumenya ukuri ku mikorerwe y'ibyo byaha adahaye umwanya ababifiteho amakuru ngo bayatange. Iyo udafite ibimenyetso n'ubuhamya bufatika ku cyaha runaka, ntushobora gutanga ubutabera nyabwo.

Amategeko menshi ahana ibyaha mu bihugu byinshi usanga asaba abaturage kugira uruhare mu gutanga ubutabera. Mu mategeko asanzwe ahana ibyaha mu Rwanda, buri muturage asabwa gutanga umusanzu mu butabera ndetse utabikoze akabihanirwa. Igihe umuntu bizwi ko afite amakuru ku ikorwa ry'icyaha

⁴⁴ Dr Haveman H. Roelof, *Merging penal systems, some extraordinary examples of the Rwandan and supranational practice*.

yanze kuyatanga ahanishwa igifungo cy'ukwezi kumwe n'ihazabu y'amafaranga ibihumbi 50,000 cyangwa kimwe gusa muri ibyo bahano⁴⁵.

Nyuma ya Jenocide yatanyaguje umuryango nyarwanda, hagombaga gushakwa uburyo bwo kongera kubahuza, kubaha umwanya baganiriramo ibyabatandukanyije hagamijwe komora ibikomere no kuziba icyuho cyasizwe nayo. Muri rusange, Inkiko Gacaca zabaye urubuga rwo gusubira mu byabaye kuko nk'uko bivugwa „umuryango utazimuye urazima“. Inkiko Gacaca zabaye umwanya wo kwinenga, kwigaya, kwemera ibyaha no kubisabira imbabazi ndetse no kuzitanga. Iyi akaba ari gahunda ngari idashobora kuba igikorwa umuntu akora yiherereye ku giti cye wenyine. Ahubwo kireba umuryango wose, abari bahari n'abatari bahari, kigakorerwa mu ruhame, uwakoze icyaha akanengwa, agacyahwa, agasaba imbabazi akanazihabwa mu ruhame.

Ntawatekerezaga uburyo uwakoze icyaha n'uwagikorewe bakongera kugira aho baturira bagasubiza amaso inyuma bakaganira ku byabaye hagamijwe gushaka umuti wakongera kubahuza. Gahunda y'Inkiko Gacaca yafashije Abanyarwanda kumenya amakuru kuri Jenocide yakorewe Abatutsi no guca urwikekwe mu banyarwanda kuko hariho abavugaga ko "Abahutu bose bakoze Jenocide".

Kwitabira Inkiko Gacaca byafashije abakorewe biriya byaha by'indengakamere kubona uburyo bwo kuvuga ibyababyeho bararuhuka, bamenya aho imirambo y'ababo yajugunywe bayishyiringura mu cyubahiro. Byatumye kandi bumvako ibyababayeho atari bo bonyine byakorewe bigatuma bava mu kato ntibaheranwe n'agahinda⁴⁶. Bamwe mu bacitse ku icumu bemeza ko kwitabira Inkiko Gacaca byababereye nko kujya kwa muganga aho umurwayi ajya yumva ko ari we urembye kurusha abandi nyamara yagerayo agasanga hari n'abandi barwaye nka we cyangwa se bamurusha kuremba bigatuma adakomeza kwiheba. Gahunda y'Inkiko Gacaca yatumye Abanyarwanda bashyikira uburemere bw'umutwari bagenzi babo bikoreye bituma babafasha kuwuturira baba abakoze ibyaha n'ababikorewe.

Mu nkiko Gacaca, ubutabera butangwa n'abaturage kandi bukorera abaturage. Mu nkiko Gacaca, imirimo yose ikorwa n'abaturage haba kugenza ibyaha biciye mu ikusanyamakuru, gutanga ubuhamya, guca

⁴⁵ Reba ingingo ya 57 y'Itegeko no 13/2004 ryo ku wa 17/05/2004 ryerekeye imiburanishirize y'imanza z'inshinjabyaha nk'uko ryahinduwe kandi ryujwe kugeza ubu.

⁴⁶ BOSMAN Hester, *Gacaca Courts in post-conflict Rwanda, The quest for reconciliation and justice*, University of Amsterdam, 2007.

urubanza, kunganira ababuranyi byose bikorwa n'abaturage. Mu nkiko zisanzwe, ubutabera butangwa mu izina rya rubanda "*la justice est rendue au nom du peuple*" ariko mu Nkiko Gacaca ubutabera butangwa na rubanda.

Ntabwo rero gusaba abaturage kwitabira imirimo y'Inkiko Gacaca byabaye agahato ahubwo ni ukubibutsa kuzuzwa inshingano y'umwenehugu mwiza yo kwiyubakira Igihugu agira uruhare mu gukemura ikibazo cy'ingutu cy'ibyaha bya jenocide cyari kiremereye Igihugu.

Agaka ka 3. Kuba Inkiko Gacaca zitaraburanishije ibyaha byakozwe n'abahoze ari ingabo z'umuryango FPR Inkotanyi

Imwe mu miryango iharanira uburenganzira bwa muntu nka "*Human Rights Watch*" yagiye igaragaza mu maraporo yayo⁴⁷ ko Inkiko Gacaca zaburanishije gusa ibyaha bya Jenocide byakorewe Abatutsi zikirengagiza ibyaha byakorewe Abahutu. Abashaka kugoreka amateka y'u Rwanda bo bagera n'aho bavuga ko mu Rwanda habaye Jenocide ebyiri; bavuga iyakorewe Abatutsi ikozwe n'ubutegetsi bwa MRND n'iyakorewe Abahutu ikozwe na FPR.

Jenocide ni icyaha akenshi gitegurwa n'ubutegetsi, kigashyirwa mu bikorwa mu byiciro 8 nk'uko byagaragajwe n'umushakashatsi Gregory H. Stanton⁴⁸. Uyu mushakashatsi yagaragaje ko Jenocide ikorwa mu ntera zikurikira:

1. Gucamo abantu ibice : (**Classification**) Ibi byagiye bikorwa ubwo ubutegetsi bubi bwacagamo Abanyarwanda ibice bakandika amoko mu ndangamuntu, bakigisha ko Abanyarwanda batandukanye ko badakomoka hamwe, kubasumbanya, n'ibindi;
2. Kubaha ibibaranga : (**Symbolisation**): Ubu buyobozi bubi bwagaragaje ko Abatutsi barangwa n'amazuru maremare, n'ibindi ;
3. Kubambura ubumuntu (**Dehumanisation**): Ibi byakozwe ubwo Abatutsi babitaga inzoka, Inyenzi, n'ibindi ;

⁴⁷ Reba raporo ya HRW yitwa *Justice compromised*, the legacy of Rwanda's community-based Gacaca Courts, may 2011, p.119.

⁴⁸ GREGORY H. STANTON, *Eight stages of Genocide*, www.genocidewatch.org/images/8StagesBriefingpaper.pdf Byarebwe ku wa 26/08/2011.

4. Kwishyira hamwe kw'abicanyi (**Organization**): Hashinzwe imitwe y'abicanyi n'imitwe yitwara gisirikare igamije kwegeranya imbaraga zo kurimbura Abatutsi. Muri icyo mitwe twavugaga nk'IMPUZAMUGAMBI, INTERAHAMWE, HUTU POWER, n'iyindi mitwe kuko yari myinshi. Kugura no gukwirakwiza ibikoresho by'ubwicanyi, n'ibindi ;
5. Gutandukanya abagomba kwicwa n'abazabica (**Polarisation**):Kugaragaza ko umwanzi w'umuhutu ari umututsi ;
6. Kwitegura (**Preparation**): Ibi byakozwe hifashishijwe amaradiyo nka RTLM, gukora urutonde rw'ibitso, intonde z'abagombaga kwicwa, gutegura ingabo, gutoza imitwe y'abicanyi no kuyimara ubwoba, kugerageza ubwicanyi, kuvugaga mu biganiriro mbwirwaruhame ko hagiye kuba akantu ngo bitegure, n'ibindi.
7. Gutsemba (**Extermination**): Abacuze umugambi wa Jenocide bari bagamije kurimbura burundu ubwoko bw'Abatutsi kandi byagaragariraga mu ntero yabo ngo „abazavuka bazabaze uko Umututsi yasaga“!
8. Guhakana Jenocide : (**Denial**) abahakana Jenocide yakorewe Abatutsi bagerageza gusibanganya ibimenyetso byose bya Jenocide, bakagaragaza ko ibyaha byakozwe atari Jenocide cyangwa se bakabishakira impamvu ko ari uburakari bw'abaturage nyuma y'urupfu rw'umubyeyi Habyarimana cyangwa se bakavugaga ngo niba harabayeho Jenocide y'Abatutsi habayeho n'iy'Abahutu aribyo bakunze kwita „double genocide“, n'izindi mpamvu za nyirarureshwa.

Jenoside yakorewe Abatutsi yateguwe n'ubutegetsi bwariho mu Rwanda kandi yacyiye muri izo ntera zose twavuze haruguru. Ingabo za FPR INKOTANYI nizo zahagaritse Jenocide yakorewe Abatutsi mu gihe amahanga yareberaga. Niba harabayeho se Jenocide yakorewe Abahutu yateguwe nande? Yahagaritswe na nde? Ziriya ntera 8 yazinyuzemo ryari? Ibi ni ugushyirwaho kuyobya amarari. Mu Rwanda habaye Jenocide imwe yakorewe Abatutsi yateguwe ikanashyirwaho mu bikorwa n'ubutegetsi bubi bwa MRND bwariho icyo gihe.

Icyakora nanone nta byera ngo de; mu ntambara yo kubohora u Rwanda no guhagarika Jenocide hari abasirikare ba APR bakoze ibyaha byo guhohotera abasivile. Bene ibyo byaha bikorewe abasivile bikozwe n'abasirikare byitwaga ibyaha by'intambara bikaba bitandukanye na Jenocide. Jenocide itandukanye n'ibindi byaha by'ubugome nk'ibyaha by'intambara n'ibindi byaha byibasira inyokomuntu, kuko byo biba bikomoka kuri icyo ntambara, mu gihe abicwaga muri Jenocide yakorewe Abatutsi bo baziraga uko baremwe gusa. Ikindi ni uko umusirikare waba yarahohoteye umusivile yabikoze ku giti cye atabatumwe n'ubuyobozi bwa APR. Abasirikare byagaragaye ko bagize uruhare muri ibyo byaha bakurikiranwa n'ubushinjacyaha bwa

Gisirikare bakaburanishwa n'Inkiko za Gisirikare nk'uko amategeko abiteganyaga⁴⁹. Ikibazo rero si uko ibyo byaha bitaburanishijwe n'Inkiko Gacaca. icy'ingenzi ni uko biteganyijwe kandi bikaba bifite urwego rubikurikirana.

Agaka ka 4. Kuba Inkiko Gacaca hari aho zakoreshejwe mu nyungu za politiki

Abagaragaje iyi nenge baba bashakira kuvuga ko ubwigenge bw'Inkiko Gacaca hari aho bwaba bwabangamiye mu nyungu za politiki. Ibi byakunze kuvugwa ku manza z'abantu biyita cyangwa bagaragara nk'„abanyepolitiki“. Umuryango uharanira uburenganzira bwa muntu *Human Rights Watch* wagaragaje ko Inkiko Gacaca zikoreshwa mu nyungu za politiki hagamijwe gucecekesha abatavugaga rumwe n'ubutegetsi buri mu Rwanda⁵⁰. Ingero zatanzwe ni urubanza rwa Dr NIYITEGEKA Théoneste wifuzaga kwiyamamariza umwanya w'umukuru w'Igihugu ntiyuzuzwe ibisabwa n'urubanza rwa NTAWANGUNDI Joseph wari mu ishyamba rya FDU- INKINGI rya Ingabire Victoire n'izindi turi bugarukaho.

Itegeko Ngenga n° 16/2004 ryo ku wa 19/06/2004 rigenga Inkiko Gacaca mu ngingo yaryo ya 49 n'ya 50 rishimangira ubwigenge bw'Inkiko Gacaca ku muntu uwo ari we wese n'urwego rwa Leta urwo ari rwo rwose. Iryo tegeko rigaragaza inshingano za buri rwego rukorana n'Inkiko Gacaca hagamijwe kwirinda ko hagira urengera akaba yabangamira ubwigenge bw'Inkiko Gacaca.

Abagiye bandika ku rubanza rwa Dr NIYITEGEKA Théoneste bagaragaza ko Leta y'u Rwanda yakoresheje Inkiko Gacaca zikamukatira biturutse ku bushake yagaragaje bwo kwiyamamariza umwanya w'Umukuru w'Igihugu ngo n'ibitekerezo yagiye atanga binenga Leta y'u Rwanda. Ibi ntaho bihuriye n'ukuri kuko Dr NIYITEGEKA Théoneste yakatiwe ku byaha bya Jenocide yakoze igihe yakoraga muri serivisi ya *Chirurgie* mu bitaro bya Kabgayi kandi akaba yarabishinijwe n'abatangabuhamya bakoranaga nawe mu bitaro kimwe n'abari baharwariye ababo.

Ku birebana na Bwana NTAWANGUNDI Joseph, mu itangazo umuyobozi wa FDU INKINGI Madamu Ingabire Victoire yashyize ahagaragara ku wa 05 Gashyantare 2010 ku rubanza rwe yagaragaje ko Gacaca ari intwari ya politiki yo guca intege no gucecekesha abatavugagarumwe n'ubutegetsi buriho. Akomeza

⁴⁹ Urugero ni urubanza rw'abasirikare bakatiwe n'urukiko rwa Gisirikare bagize uruhare mu bwicanyi bwakorewe abapadiri b'I Kagbayi.

⁵⁰ Reba Raporo ya HRW yavuzwe haruguru, urupapuro rwa 98.

agaragaza ko ngo Leta y'u Rwanda yaba yarakoresheje Inkiko Gacaca zigakatira Bwana Ntawangundi kugira ngo zibangamire umugambi umuyobozi wa FDU Inkingi yari afite wo kuziyamamariza umwanya w'Umukuru w'Igihugu. Iryo tangazo kandi rigaragza ko ibyaha barega Bwana NTAWANGUNDI Joseph byakozwe ataba mu Rwanda ngo kuko kuva mu 1993 kugeza 2002 yakoreraga ICFTU-AFRO (International Confederation for Free Trade Unions, African Regional Organization), i Nairobi muri Kenya, ngo kandi ko mu gihe Jenocide yakorwaga mu Rwanda yari yaragiye mu mahugurwa muri Suwedi.

Ibyatangajwe n'Umuyobozi wa FDU-Inkingi ni uguharabika Leta y'u Rwanda no gusebya imikorere y'Inkiko Gacaca kuko nyir'ubwite (Bwana NTAWANGUNDI Joseph) ubwo yaburanishwaga n'urukiko Gacaca rw'Ubujuje rwa Gitwe amaze kubona ko hari ibimenyetso simusiga bimuhamya ibyaha ubwe yiyemereye ibyaha aregwa anabisabira imbabazi ndetse anabishyira mu nyandiko yandikiye Urukiko Gacaca rw'Ubujuje rwa Gitwe ku wa 02/04/2010. icyakora ntiyabashije kugabanyirizwa ibihano kuko yireze impitagihe kandi ingingo ya 58 y'Itegeko Ngenga ryavuzwe haruguru iteganya ko „...uwireze bwa mbere mu buryo bwemewe imbere y'urukiko rwajurirwe cyangwa rusubiramo urubanza ntagabanyirizwa ibihano kuko aba yabikoze impitagihe“. Biteye kabiri, Madamu Ingabire Victoire yongeye gushyira ahagaragara irindi tangazo rigenewe abanyamakuru yivuguruzwa kubyo yari yatangaje ku wa 05/02/2010 kuko ngo hari harimo amakosa (...*regrettable errors in our press release...*) ariko agakomeza guhamya ko Bwana NTAWANGUNDI arengana kandi nyirubwite yariyemereye icyaha ndetse n'abo mu muryango we bakaba bari mu batangabuhamya bamushinja!

Nyuma y'aho Bwana Ntawangundi Joseph ashakirije ubwirege bwe Urukiko Gacaca rw'Ubujuje rwa Gitwe yemera ibyaha yaregwaye, Madamu Ingabire Victoire Umuhoro yashyize ahagaragara irindi tangazo ku wa 20/04/2010 agaragaza ko „*Ntawangundi Joseph ngo ashobora kuba ari igikoresho cya Leta y'u Rwanda*“ ndetse muri iryo tangazo akomeza amwihakana ko atigeze aba mu buyobozi bw'Ishyamba rya FDU-INKINGI!

Tugarutse ku birebana n'urubanza, twakwanzura ko kuba umuntu ari umunyapolitiki cyangwa yifuza kuba we bitamuhira ubudahangarwa ku ikurikiranwa ry'ibyaha aba yakoze.

Agaka ka 5. Kuba Inyangamugayo zitarahembwaga byaba byaratumye zirya ruswa

Mbere y'uko gahunda y'Inkiko Gacaca itangira, habanje kubaho ubukangurambaga abayobozi basobanurira abaturage imikorere y'Inkiko Gacaca ku buryo abaturage basobanukiwe neza ko kuba Inyangamugayo mu nkiko Gacaca ari umurimo w'ubwitange, w'ubukorerabushake. icyatumye bemera gukora uwo murimo batabaza igihembo ni uko bifuzaga gutanga umusanzu wo gufasha Igihugu gukemura ikibazo cy'Ubutabera ku cyaha cya Jenocide cyari cyarabaye agateranzamba. Ikindi kandi babitewe n'umutima wo gukunda Igihugu no kukitangira. Inyangamugayo rero zatangiye imirimo yazo zizi neza ko ari umurimo w'ubwitange udahemberwa.

Kurya ruswa ntabwo biterwa n'ubukene cyangwa se no kudahembwa ahubwo biterwa no kubura ubunyanyamugayo. Dukurikije imibare yashyizwe ahagaragara n'urukiko rw'Ikirenga ku bahamwe n'icyaha cya ruswa, bigaragara ko abenshi muri abo bahamwe n'icyo cyaha ari abantu bifite kandi banafite umushahara mwiza rimwe na rimwe unahanitse⁵¹. Ibi kandi si mu Rwanda wabisanga gusa kuko no mu bindi bihugu usanga hari abantu bagiye bahamwa n'icyaha cya ruswa kandi basanzwe bafite amikoro ahagije.

Ku birebana n'Inyangamugayo z'Inkiko Gacaca, mu mwaka wa 2010 habaruwe abagera kuri 12 bahamwe n'icyaha cya ruswa⁵². Uyu mubare ukaba udakanganye cyane ugereranyije n'umubare rusange w'Inyangamugayo. Abaturanyi bagerageje gushaka kugusha mu mutego wa ruswa Inyangamugayo z'Inkiko Gacaca ngo zibogame mu gufata ibyemezo byazo. Bamwe barabikoze ariko hari n'abandi bagiye banga kwakira icyo ruswa ndetse bagahamagara polisi y'Igihugu ikabata muri yombi⁵³. Abashaka kuyobya inkiko Gacaca bakoresheje ruswa bagerageje no kwegera abatanga buahamya n'abahohotewe ariko aho byamenyekanye bakaniwe urubakwiye.

Hagamijwe gukumira icyo cyaha cya ruswa no kubungabunga imigendegereke myiza y'imirimo y'Inkiko Gacaca, Urwego rw'Igihugu rushinzwe Inkiko Gacaca narwo rwafashe icyemezo cyo gusezerera mu Nkiko Gacaca Inyangamugayo yagaragayeho ibimenyesto bya ruswa rukanabimenyesha inzego zibishinzwe ngo

⁵¹ Urukiko rw'Ikirenga, raporo y'abahamwe na ruswa yo ku wa 21/08/2009.

⁵² Urwego rw'Umuvunyi, *urutonde rw'abahamwe n'icyaha cya ruswa*, (ibihembwe byose), Kigali, 2010.

⁵³ Urugero ni Urukiko Gacaca rw'Ubujurire rwa Nyarugunga rwagaragarije Polisi y'Igihugu abagerageje kubaha ruswa mu rubanza rwa MUGIRANEZA J. Marie Vianney batabwa muri yombi.

zibikurikirane. Abasezerewe kubera gukek wahu ruswa bagera kuri 443 ku nyangamugayo 169 442 bangana na 0,26%. Imanza byagaragaye ko zaciwe nabi bishingiye kuri ruswa nazo zasubiwemo zirakosorwa akenshi bikozwe n'inteko zabaga ziturutse mu yindi fasi.

Abantu bamwe bibwira rero ko kuba Inyangamugayo zitari zifite umushahara byaba ari impamvu yatuma zirya ruswa nyamara iyo turebye dusanga mu Nkiko Gacaca hataragagaye ibibazo byinshi kuri iyi ngingo ya ruswa. Uretse ubunyangamugayo twavuze haruguru, indi mpamvu yatumye iki kibazo kitagaragara cyane mu Nkiko Gacaca ni ingamba zisanzwe ziriho mu gihugu zo kutihanganira ruswa. Inzego z'ubugenzacyaha, ubushinjacyaha, urwego rw'Umuwunyi n'inkiko bose bari maso ku buryo n'uwashaka guteshuka bamukoma mu nkokora.

Muri rusange, ntabwo kuba Inyangamugayo zidahembwa ariyo mpamvu yatuma zirya ruswa ahubwo ni ikibazo cyo kubura ubunyangamugayo; ni ikibazo cy'ingeso umuntu aba yifitemo si ikibazo cy'amikoro. Uyu muco rero wo kwitangira Igihugu uramenyerewe mu Rwanda cyane cyane ko Inyangamugayo atari zo zonyine zikora imirimo nk'iyi y'ubwitange. Hari abunzi bakemura ibibazo by'abaturage batagombye kujya mu nkiko, hari abajyanama b'ubuzima batanga inama z'ibanze ku birebana no kwirinda indwara no kuzirwanya, isuku, n'ibindi. Hari n'abandi bakorera Igihugu imirimo ikomeye nyamara ugasanga bayikora neza imishahara yabo ari mito kandi batarya ruswa.

Agaka ka 6. Kutagaragaza ibyashingiweho mu guca urubanza

Urubanza ruboneye rusaba kubahiriza amahame shingiro yo gutanga ubutabera. Muri uru rwego, Urwego rw'Igihugu rushinzwe Inkiko Gacaca, rubinyujije mu mahugurwa n'inama zitandukanye n'inyangamugayo, ntirwahwemye kwibanda ku kamaro k'uburenganzira bw'ibanze bwa muntu harimo n'ubwo guca urubanza ruboneye. Mu ngingo zagarakwagaho muri buri mahugurwa ku iburanisha mu Nkiko Gacaca, hazagamo kugaragaza ingingo zashingiweho mu guca urubanza, ihame riteganywa mu ngingo ya 25 n'ya 67 y'itegeko ngenga n° 16/2004 rishyiraho Inkiko Gacaca n'ingingo ya 144 y'itegeko Nshinga rya Repubulika y'u Rwanda nk'uko ryavugururwe kugeza ubu.

Imanza zaciwe n'Inkiko Gacaca, nubwo zitagaragaza amategeko menshi zishingiraho, zigashingira gusa ku itegeko rimwe ryavuzwe haruguru, zigaragaza ingingo z'amategeko (motivation en droit) n'izindi mpamvu zashingiweho (motivation en fait) mu guca urubanza nk'uko byemezwa n'*Inyandiko y'Isomwa*

ry'urubanza⁵⁴. Agace ka 6° k'iyi nyandiko gasaba urukiko gacaca kugaragaza ingingo zashingiweho mu guca urubanza hagaragazwa cyane cyane n'impamvu nyoroshyacyaha cyangwa zikomeza icyaha zisobanura igihano cyatanzwe, ibihano by'umugereka biteganywa n'ingingo ya 76 y'iryo Tegeko Ngenga, impamvu zo kwemera cyangwa kwanga ubwirege, igihe cyo kwirega, kwanga kwirega n'ibindi bigaragaza ko uregwa ari umwere cyangwa ahamwa n'ibyaha. Imigendekere ya buri rubanza igaragaza ibimenyetso byatanzwe ku mpande zombi mu buryo burambuye yandikwa mu makayi y'ibikorwa ya buri Rukiko Gacaca nwaruburanishije.

Umuryango w'abavoka batagira umupaka (ASF) yakunze kugaragariza Urwego rw'Igihugu rushinzwe Inkiko Gacaca Inkiko Gacaca zagagarayeho iyo nenge⁵⁵ narwo rugahita ruzitegurira amahugurwa yihariye kuri iyo ngingo. Ayo makosa yabaga ashingiye cyane cyane kukutandukura ku ifishi y'isomwa ry'urubanza impamvu zashingiweho mu gufata icyemezo kandi zabaga zanditswe mu ikayi y'ibikorwa. Icyo kibazo cyagiye gikemuka uko imirimo y'Inkiko Gacaca yateraga intambwe n'inyangamugayo zigenda zirushaho gusobanukirwa kandi imanza zagagarayeho iyo nenge zagiye zikosorwa mu zindi ntera z'iburanisha. Icyakora nanone, iyo usomye raporo ya ASF ya Mutarama 2010 aho uwo muryango wakurikiranye iyubahirizwa ry'uburenganzira bwa muntu mu nkiko Gacaca zo mu Ntara y'Uburengerazuba usanga ingero ari nyinshi z'imanza zigaragaraza ibyo urukiko rwashingiyeho rufata icyemezo byaba ibishingiye ku mategeko (motivation en droit) n'izindi mpamvu zashingiweho (motivation en fait)⁵⁶.

Agaka ka 7. Inyangamugayo zikekwaho kugira uruhare muri Jenocide

Mbere y'amatora y'Inyangamugayo z'Inkiko Gacaca yabaye guhera ku itariki ya 4 kugeza kuya 07 Ukwakira 2001, abaturage basobanuriwe ko ugomba gutorwa ari umuntu wujuje ibisabwa bikurikira⁵⁷:

- Kuba ari Umunyarwanda ;
- Gutura mu Kagari ashaka kwiyamamarizamo ;
- Kuba afite nibura imyaka 21 y'amavuko ;

⁵⁴ Urwego rw'Igihugu rushinzwe Inkiko Gacaca, *Gahunda y'iburanisha mu Nkiko Gacaca*, Kigali, 2005, p.26.

⁵⁵ ASF, *Observation des Juridictions Gacaca*, rapport synthèse trimestriel, Janvier 2010, p.11.

⁵⁶ Reba iyi raporo ya ASF ivuzwe haruguru mu rubanza rwa NTAWURUHUNGA Hassan na bagenzi be rwasomwe ku wa 10/12/2009 kuri paji ya 90.

⁵⁷ Reba ingingo ya 7 y'Iteka rya Perezida wa Repubulika n° 12/01 ryo ku wa 26 Kamena 2001 rigena imiterere y'amatora y'abagize inzego z'Inkiko Gacaca.

- Kuba indacyemwa mu mico no mu myifatire ;
- Kuba umunyakuri no kutanigana abandi ijambo;
- Kuba atarakatiwe ku buryo budasubirwaho n'Inkiko igihano cy'igifungo nibura cy'amezi 6 ;
- **Kuba ataragize uruhare muri Jenocide ;**
- Kutarangwa n'amacakubiri ;
- Kuba atarigeze yirukanwa kubera imyitwarire mibi.

Aya matora yakozwe ikusanyamakuru ritarakorwa ngo hamenyekane ku mugaragaro abakekwaho kugira uruhare muri Jenocide, abantu bari bagishakisha amakuru ku bagize uruhare muri Jenocide. icyakora nanone, hari abatoye abagize uruhare muri Jenocide bagamije kuyobya uburari no gutora abazahishira ibyaha bakoze no kuzabafasha mu gihe cy'imanza. Ibi byatumye Urwego rw'Igihugu rushinzwe Inkiko Gacaca rufata icyemezo cyo gusimbuza Inyangamugayo zose zikekwaho kugira uruhare muri Jenocide. Mu mwaka wa 2006, habarurwe Inyangamugayo 45.396 zasimbuwe kubera gukekwaho kugira uruhare muri Jenocide⁵⁸.

Agaka ka 8. Kwihutisha imirimo y'Inkiko Gacaca byaba byarateye guhushura imanza

Nk'uko bisanzwe bizwi, kwihutisha imanza za Jenocide ni imwe mu ntego z'Inkiko Gacaca kandi ni nacyo cyari icyifuzo cy'ababuranyi. Imiryango mpuzamahanga iharanira uburenganzira bwa muntu irimo *Human Rights Watch* n'iyindi yahoraga isaba ko izi manza za Jenocide zihutishwa cyane cyane ivuga ko hari abantu bamaze igihe kinini bafunzwe by'agateganyo bataburanishwa kandi bashobora kuba ari abere.

Mu mwaka wa 2005, Inkiko Gacaca zatangiye imirimo yazo igenda neza ariko nanone itarafata umuvuduko ushimishije kuko byari bikiri ku ntango. Mu mwaka wa 2007, Inyangamugayo zimaze kugira uburambe mu iburanisha, imanza zafashe umuvuduko ushimishije ndetse amadosiye menshi yo mu rwego rwa 2 n'urwa 3 agera kuri 1.059.298 yari yamaze gufundikirwa⁵⁹. Uretse uburambe bw'Inyangamugayo no gusobanukirwa neza amategeko agenga iburanisha mu nkiko Gacaca, ikindi cyabashishije Inkiko Gacaca kwihutisha imanza ni ubwitange bw'Inyangamugayo. Ubusanzwe gahunda y'Inkiko Gacaca yabaga umunsi umwe mu cyumweru; Inyangamugayo zimaze kubona ubwinshi bw'imanza zigomba kuburanishwa

⁵⁸ Urwego rw'Igihugu rushinzwe Inkiko Gacaca, *Raporo y'igihembwe*, Kigali, 2006, p. 3.

⁵⁹ Urwego rw'Igihugu rushinzwe Inkiko Gacaca, *Raporo y'umwaka wa 2007*, urupapuro rwa .98.

ziyemeza kujya zikora iminsi irenze umwe mu cyumweru. Hari aho baburanishaga iminsi itatu cyangwa ine mu cyumweru ndetse hari n'aho bakoraga iminsi itandatu birinda isubika ry'imanza rya hato na hato.

Mu rwego rw'amategeko naho hari harafashwe ingamba zigamije kwihutisha imanza. Twavugaga nk'ivugururwa ryo ku wa 01/03/2007 ry'Itegeko Ngenga n° 16/2004 ryo ku wa 19/06/2004 ryazanye impinduka zirimo ko „urukiko Gacaca rushobora kugira inteko zirenga imwe aho bibaye ngombwa⁶⁰”. Nyuma y'iryo vugurura, inteko zahise zongerwa hashingiwe ku mubare w'amadosiye urukiko rwabaga rufite. Urukiko rwabaga rufite amadosiye arenga 150 rwashyiragaho indi nteko yo kurwunganira⁶¹.

Uku kwihutisha imanza ariko n'ubwo ari cyo cyari icyifuzo cya bose ku ntango nticyaje kuvugwaho rumwe imanza zirangiye. Imwe muri ya miryango twavuze haruguru nka *Human Rights Watch* yaje kubigaragaza nk'inenge⁶². Yagaragaje ko kwihutisha imanza byatumye Inyangamugayo zihushura mu iburanisha ngo ntizifate umwanya uhagije wo gusuzuma dosiye y'uregwa kandi mu by'ukuri Inyangamugayo zarafataga iminsi ikurikirana ziburanisha zigamije kugira ngo ibimenyetso byatanzwe zikomeze zibikurikiranire hafi nta rirarenga.

Ibi ni ukwivugurura ndetse umuntu yanatekereza ko kuba Inkiko Gacaca zarasoje imirimo yazo hari abo byababaje kuko gukurikirana imirimo yazo ariho bakuraga imibereho. Mu gusoma iyi ngingo, twakwemeza ko kwihutisha imanza byari mu nzira y'uburenganzira bwa muntu bwo kuburanishwa mu gihe kitarambiranye kandi ni nacyo cyari icyifuzo cy'Abanyarwanda muri rusange n'ababuranyi by'umwihariko ni nabyo byatumye hashakwa ubundi buryo bwo kubigeraho butandukanye n'ubwari busanzwe. Byongeye kandi ingamba zafashwe mu rwego rwo kwihutisha iburanisha mu nkiko Gacaca ntizigeze zikuraho intera z'iburanisha zisanzwe: intera ya mbere, ubujurire ndetse no gusubiramo urubanza.

⁶⁰ Reba ingingo ya 8 y'Itegeko Ngenga n° 16/2004 ryo ku wa 19/06/2004 nk'uko ryahinduwe kandi ryujijwe kugeza ubu.

⁶¹ Reba ingingo ya 1 y'amabwiriza n° 11/07 yo ku wa 02/03/2007 y'Umunyamabanga Nshingwabikorwa w'Urwego rw'Igihugu rushinzwe Inkiko Gacaca arebana n'ishyirwaho ry'inteko nyinshi mu rukiko Gacaca n'imikoranire yazo.

⁶² Reba raporo ya HRW yavuzwe haruguru, urupapuro rwa 26.

Agaka ka 9. Ibyaha byo gusambanya ku gahato no kwangiza imyanya ndangagitsina ngo byaba byaraburanishirijwe mu ruhame

Itegeko Ngenga n° 13/2008 ryo ku 19/05/2008 ryahaye Inkiko Gacaca ububasha bwo kuburanisha zimwe mu manza zo mu rwego rwa mbere zirimo n'izo gusambanya ku gahato cyangwa kwangiza imyanya ndangagitsina igihe izo Nkiko zarimo zisoza iburanisha ry'imanza zo mu rwego rwa kabiri n'urwa gatatu. Kubera iyo mpamvu Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwiyejeje gushyira imbaraga ku gikorwa cy'iburanisha ry'imanza zo mu rwego rwa mbere n'iry'amadosiye yaturutse mu Nkiko zisanze n'iza gisirikare kubera umwihariko wazo. Ibi byari byagaragajwe n'umushingamategeko ku buryo yashyizeho uburyo bw'umwihariko bw'imiburanishirize y'izo manza cyane cyane ku bijyanye n'icyaha cyo gusambanya ku gahato cyangwa kwangiza imyanya ndangagitsina. Iki cyaha ni icyaha cy'urukozasoni gihungabanya ubuzima bwite bw'uwahohotewe ari nabyo byatumye hashyirwaho uburyo bwihariye bwo gukurikirana no kuburanisha ibyo byaha.

Ingingo ya 6 y'Itegeko ryavuzwe haruguru iteganya ko mu rwego rwo kuregera ibyaha byo gusambanya ku gahato cyangwa kwangiza imyanya ndangagitsina, uwahohotewe ageza ikirego cye ku Rukiko Gacaca rw'Umurenge rw'aho icyaha cyakorewe, ku bugenzacyaha cyangwa akagishyikiriza ubushinjacyaha. Ibi bituma abakorewe ibi byaha, baba badashaka kujya ahagaragara, batabangamirwa n'uburyo rusange bukoreshwa mu Nkiko Gacaca bwo gutanga ikirego ku mugaragaro binyujijwe mu Ikusanyamakuru rikorwa n'inama rusange y'Akagari. Iyo uwakorewe icyo cyaha yapfuye cyangwa adafite ubushobozi bwo gutanga ikirego, uwo ariwe wese bireba ashobora kugitanga mu ibanga. Birabujijwe kwirega cyangwa kuregera iki cyaha ku mugaragaro. Ikurikirana n'iburanisha ryacyo rikorwa mu ibanga.

Hagamijwe kubungabunga by'umwihariko abakorewe ibi byaha by'urukozasoni, Itegeko ribuza abagize Inteko gutangaza ibyo bamenyeye mu rubanza rwo mu muhezo. Ingingo ya 5 iteganya ko uwo ariwe wese mu bagize Inteko y'Urukiko Gacaca uzaba yatangaje ibanga ryavugiwe mu rubanza rwaburanishirijwe mu muhezo, agomba kwirukanwa ku mirimo ye kandi agakurikiranwa kuri icyo cyaha **agahanishwa igihano kiri hagati y'umwaka umwe n'Imyaka itatu y'igifungo.**

Hagamijwe imigendekere myiza y'iburanisha ry'imanza zo muri icyo cyiciro gisoza, Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwateguye amahugurwa rusange ku Itegeko Ngenga rishya. Ayo mahugurwa akurikiwa n'andi y'umwihariko yateguwe n'Urwego rw'Igihugu rushinzwe Inkiko Gacaca rufatanyije n'Ishuri

Rikuru ryo kwigisha no guteza imbere ubucamanza (ILPD) yari agenewe Inyangamugayo zatowe na bagenzi bazo ngo ziburanishe imanza zo mu rwego rwa mbere zirimo iz'ibyaha byo gusambanya ku gahato no kwangiza imyanya ndangagitsina. Izi nyangamugayo zatowe cyane cyane hashingiwe ku bushishozi zizwiho na bagenzi bazo no kugira ibanga. Amahugurwa yibanze gusa ku iburanisha ry'imanza z'ibyaha byo gusambanya ku gahato no kwangiza imyanya ndangagitsina (ibiteganywa n'amategeko, gahunda y'iburanisha ndetse no gufata neza no kwita ku bakorewe icyo cyaha) n'uburyo bwo gufasha uwagize ikibazo cy'ihungabana. Ayo mahugurwa yabaye kuva mu kwezi kwa Nyakanga kugeza muri Nzeri 2008.

Muri urwo rwego, Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwatanze amabwiriza n° 16/2008 yo ku wa 05/06/2008⁶³ arebana muri rusange n'imanza zo mu rwego rwa mbere by'umwihariko izijyanye no gusambanya ku gahato cyangwa kwangiza imyanya ndangagitsina. Hagamijwe kubungabunga ibanga ry'imanza zaburanishirijwe mu muhezo, ingingo ya 12 y'ayo mabwiriza iharira ububasha bwo gusuzuma ishingiro ryo gusubiramo urubanza rw'ibyaha byo gusambanya ku gahato cyangwa kwangiza imyanya ndangagitsina, abagize Inteko y'Urukiko Gacaca rw'umurenge n'urw'ubujurire ziburanisha ibyo byaha aho kuba abagize inama rusange y'umurenge bese.

Izi ngamba zose zavuzwe haruguru zari zigamije kubungabunga imiburanishirize y'izi manza kandi **ntaho Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwigeze rwumva urubanza rw'ibyaha byo gusambanya ku gahato cyangwa kwangiza imyanya ndangagitsina rwigeze ruburanishirizwa mu ruhamu mu Nkiko Gacaca**. Icyakora, abakorewe ibi byaha bese ntibabashije kubiregera mu nkiko Gacaca kuko kurega biterwa n'uko umuntu agenda yakira ibyamubayeho. Ibi ariko bikaba bitabangamira ikurikiranwa ry'ababigizemo uruhare kuko ikurikiranacyaha ku byaha bigize Jenocide cyangwa ibyaha byibasiye inyokomuntu bidasaza⁶⁴.

⁶³ URWEGO RW'IGIHUGU RUSHINZWE INKIKO GACACA, *Amabwiriza n°16/2008 yo ku wa 05/06/2008 y'Umunyamabanga Nshingwabikorwa w'Urwego rw'Igihugu rushinzwe Inkiko Gacaca arebana n'imanza z'abaregwa ibyaha bya Jenocide n'ibindi byaha byibasiye inyokomuntu byo mu rwego rwa mbere, imanza za Jenocide zizava mu nkiko zisanzwe n'iza Gisirikare no gusubiramo imanza mu Nkiko Gacaca*, Kigali, 2008.

⁶⁴ Reba ingingo ya 97 y'Itegeko Ngenga n° 16/2004 ryo ku wa 19/06/2004 ryavuzwe haruguru.

Agaka ka 10. Kuba Inkiko Gacaca zitaratanze indishyi z'akababaro ku bakorewe Jenoside

Mu manza zaciwe n'Inkiko Gacaca nta ndishyi z'akababaro zageneye abahohotewe kuko Itegeko Ngenga n° 16/2004 ryavuzwe haruguru mu ngingo yaryo ya 96 riteganyako ko „*Ibindi bikorerwa abahohotewe bigenwa n'itegeko ryihariye*“. Ibiganiro kuri iki kibazo birakomeje kandi ingingo ya 4, 6° y'Itegeko n° 09/2007 ryo ku wa 16/02/2007 rigena inshingano, imiterere n'imikorere bya Komisiyo y'Igihugu yo kurwanya Jenoside⁶⁵, iteganyako Komisiyo ifite inshingano yo gukomeza ubuvugizi ku kibazo cy'indishyi z'akababaro.

Agaka ka 11. Ibindi bikorwa bibi bitahanwe n'Inkiko Gacaca

N'ubwo Inkiko Gacaca zakurikiranye abaregwa kugira uruhare mu byaha bya Jenoside yakorewe Abatutsi n'ibindi byaha byibasiye inyokomuntu barenga miliyoni, ntitwavugaga ko ibikorwa byabangamiye uburenganzira bwa muntu byakozwe kuva ku itariki ya mbere Ukwakira 1990 kugeza ku wa 31 Ukuboza 1994 byahanwe byose. Hari ibindi bikorwa bibi byakorewe abantu bitakurikiranwe bitewe n'uko byakozwe, umugambi ababikoze bari bafite, uko Igihugu cyari kimeze igihe byakorwaga ariko cyane cyane ubushake bwo kongera kubanisha Abanyarwanda. Muri byo twavugaga:

- Kudatabara abari mu kaga;
- Kuja kuri bariyeri zitaguyeho abantu;
- Kwitabira inama zishishikariza kwica Abatutsi;
- Guhabwa ibikoresho by'ubwicanyi;
- Gukoreshwa ibyaha ku gahato katigobotorwa;
- Kurara ironde

A. Kudatabara abari mu kaga

Kudatabara abari mu kaga ubusanzwe ni igikorwa gihanwa mu gitabo cy'amategeko ahana ibyaha mu Rwanda⁶⁶. Ingingo ya 256 yo mu gitabo cy'amategeko ahana ibiteganyako muri aya amagambo:

Azahanishwa igifungo kuva ku mezi abiri kugeza ku myaka itanu n'ihazabu y'amafaranga atarenga ibihumbi icumi, cyangwa kimwe muri ibyo bihano:

⁶⁵ Itegeko n° 09/2007 ryo ku wa 16/02/2007 rigena inshingano, imiterere n'imikorere bya Komisiyo y'Igihugu yo kurwanya Jenoside, Igazeti ya Leta numero idasanzwe yo ku wa 19 Werurwe 2007.

⁶⁶ Itegeko-teka n°21/77 igitabo cy'amategeko ahana ryo ku wa 18 Kanama 1977, *Igazeti ya Leta*, 1978, n° 13 bis, p. 1). Ryahinduwe n'Itegeko-teka n°23/81 ryo kuwa 13 Ukwakira 1981 (Igazeti ya Leta, 1981, unrp. 940), ryemejwe n'Itegeko n°01/82 ryo kuwa 26 Mutarama 1982 (Igazeti ya Leta, 1982, p. 227) n'Itegeko n°08/1983 ryo kuwa 10 Werurwe 1983 (Igazeti ya Leta, 1983, p. 206).

1° Umuntu wese uzaba ashoboye, ku bw'ingoboka ye ya bwangu, nta ngaruka mbi kuri we cyangwa ku bandi kubuza igikorwa cy'ubugome, cy'icyaha gikomeye cyasalika umubiri w'umuntu, akabyirengagiza;
2° Umuntu wese wirengagiza gutabara uri mu kaga gakomeye, kandi nta ngaruka mbi kuri we no ku bandi yashoboraga kumutabara ubwe cyangwa kumutabariza;

Mu gihe cya Jenocide, abantu bamwe na bamwe bagiye batinya gutabara abahigwaga bitewe n'uko Leta yari iriho icyo gihe yari yarategutse ko uzatabara Abatutsi n'abandi bahigwaga ko nawe agomba kwicwa. Babishakiraga n'ibisobanuro mu mvugo igira iti „*iyi inzoka yizingiye ku gisabo urakimena, ukabona uko uyica*“⁶⁷. Guhanira umuturage ko atakumiriyeye igikorwa cyateguwe kandi gishyigikiwe n'ubutegetsi byaba ari ukumuhohotera kuko nta bushobozi yari afite bwo kugihagarika no kukiburizamo kandi nawe byamuviramo kwicwa. Iyi ni yo mpamvu, kudatabara abahigwaga mu gihe cya Jenocide bitafashwe nk'icyaha ngo gihanwe n'Inkiko Gacaca.

B. Kuja kuri bariyeri zitakoreweho ibyaha

Mu gihe cya Jenocide, mu Gihugu hose ubutegetsi bwashyizeho bariyeri zitwaga izo gutangira umwanzi. Ubuyobozi bubi bwariho bwari bwarigishije mu Gihugu hose ko umwanzi ari Umututsi. Abayobozi nibo bagenaga aho izo bariyeri zishyirwa, bakanagena uko abaturage bazajya bazisimburanaho banabashishikariza kuzitabira. Izi bariyeri zereze ni zo zakoreshejwe mu gutangira Abatutsi birukaga bahunga abicanyi, bakicwa.

Dukurikije amakuru yatanze mu nkiko Gacaca byagaragaye ko hari bariyeri zakoreweho ibyaha bya jenocide hakaba n'izindi zitakoreweho ibyaha. Tugarutse rero kuri bariyeri zitakoreweho ibyaha bya jenocide, igihe byagaragaye ko abaturage bazitabiriyeye ariko ntibagire icyaha cya jenocide bahakorera ntibakurikiranwa.

C. Kurara irondo mu gihe cya Jenocide

Kurara irondo ubusanzwe bigamijwe kwicungira umutekano. Mu gihe cya Jenocide nabwo irondo ryarakomeje umuntu wese mu batarahigwaga akagira umunsi we wo kurirara. Abagiye ku irondo

⁶⁷ Iyi mvugo yakoreshejwe cyane cyane n'abayobozi bari bariho mu gihe cya jenocide bashishikarizaga Abahutu kwica no kudatabara Abatutsi. Urugero ni nka SIBOMANA Antoine wari Burugumesitiri wa Komini Mbazi, wakoresheje iyi mvugo mu ijamba yagejeje ku baturage bari bitabiriyeye inama yabereye kuri Stade yo mu Byiza (Mutunda) mu Murenge wa Mbazi, Akarere ka Huye ku wa 21/04/1994 reba, African Rights, *La vérité enterée au nom des "droits de l'homme"*, urupapuro rwa 10.

bakavumbura cyangwa bagahura n'abahigwaga aho babaga bihishe bagahita babica cyangwa se bakabakorera ibindi byaha, barabiryoza.

Muri rusange, kurara ironde ubwabyo ntibifatwa nk'icyaha gihanwa. icyakora, iyo uwaraye ironde yakoreyemo ibindi byaha byo guhohotera abahigwaga arabihanirwa.

D. Kwitabira inama z'abaturage zishishikariza gukora jenocide

Mu gihe cya Jenocide ubutegetsi bwakoresheje inama nyinshi abaturage bubashishikariza kwica Abatutsi no konona ibyabo. Abaturage bamwe, n'ubwo bitabiriye izo nama, baratashye ntibashyira mu bikorwa amabwiriza bahawe. Umutimanama wabo ubabuza guhohotera bagenzi babo. Mu buhamya bwatanze mu gihe cy'iburanisha ku birebana no kwitabira izo nama, bamwe bavugaga ko kwitabira izo nama byari itegeko ku muturage wese utarahigwaga; kutazitabira byagaragaraga nko kugandira ubutegetsi cyangwa se kugaragaza ko utari kumwe nabwo mu mugambi wa Jenocide. Bamwe mu banze gushyira mu bikorwa amabwiriza yatangiye muri izo nama byabaviriyemo kwicwa. Iyi niyo mpamvu yatumye kwitabira inama ubwabyo bitaba icyaha gikurikiranwa mu nkiko Gacaca.

E. Guhabwa ibikoresho by'ubwicanyi

Mu gihe cya jenocide, byagaragye ko ubutegetsi bwatanze ibikoresho by'ubwicanyi birimo imbunda, grenades, udushoka, imihoro, nta mpongano y'umwanzi (impiri yabaga ikwiyemo imisumari), imyambaro y'interahamwe, amafirimb, n'ibindi.

Ku birebana n'abahawe imbunda n'ibindi bikoresho bya gisirikare mu gihe cya Jenocide, ubusanzwe gutunga imbunda ubwabyo utabifitiye uruhushya bihanwa n'amategeko. Ingingo ya 70 y'Itegeko n° 33/2009 ryo ku wa 18/11/2009 ryerekeye intwari⁶⁸ iteganya igihano cy'igifungo kiva ku minsi 7 kugeza ku mwaka umwe n'ihazabu y'amafaranga kuva ku bihumbi mirongo itanu (50 000 Frw) kugeza ku bihumbi magana abiri na mirongo itanu (250 000 Frw) cyangwa kimwe muri ibyo bihano. Iyo ugarutse ku bihe bidasanzwe byariho, usanga ubutegetsi bubi bwariho bwaranyanyagije imbunda n'ibindi bikoresho bya gisirikare mu baturage bisa nk'aho uburenganzira bwo kubitunga bwemerewe buri muturage wese.

Imbunda na „grenade“ byaratanze ku bwinshi guhera mu mwaka wa 1990 kugeza 1994 bazitangaga bavugaga ko ngo ari izo „kwicungira umutekano“ (self defence). Umwanditsi Melven yagaragaje ko bitangaje

⁶⁸ Itegeko n° 33/2009 ryo ku wa 18/11/2009 ryerekeye intwari, *Igazeti ya Leta ya Repubulika y'u Rwanda* n° 52 bis yo ku wa 28/12/2009 rikuraho Itegeko-teka n°12/79 ryo ku wa 07/05/1979 ryerekeye imbunda n'amasasu yazo ryashimangiwe n'itegeko n° 01/82 ryo ku wa 26/01/1982.

kubona Igihugu nk'Urwanda cyari mu bihugu bikennye ku isi ariko kikaba cyari mu bihugu bitatu bya mbere muri Afurika byaguze intwari nyinshi. Guhera mu Kwakira 1990 u Rwanda rwaguze intwari z'akayabo ka miliyoni 112 z'amadorali y'Abanyamerika⁶⁹. Izi mbunda, gerenade n'ibindi bikoresho by'ubwicanyi byatanze n'ubutegetsi ni byo byafashije abicanyi kwihutisha Jenoside.

Muri rusange, n'ubwo ibikoresho by'ubwicanyi byatanze ku bwinshi byaba ibya gisirikare n'ibindi byavuzwe haruguru, ababihawe bakabikoreshe, bakurikiranwa ku byaha babikoresheje, ababihawe ntibabikoreshe ibyaha bya jenoside ntibakurikiranwe.

F. Gukora ibyaha ku gahato katigobotorwa

Ingingo ya 70 y'itegeko rihana ibyaha mu Rwanda iteganya ko *"nta buryozwacyaha bubaho ku mushinjiwa wakoze icyaha abitewe n'agahato atashoboraga kwikura"*. Ibyaha byakozwe mu gihe cya Jenoside bimaze gutangwaho amakuru mu ikusanyamakuru hakurikiyeho gukorera dosiye abaketswe kubigiramo uruhare maze Inkiko Gacaca zitangira ku baburanisha. Uko iburanisha ryagendaga ritera imbere, byagaragaye ko hari abantu bakoze ibyaha ariko babikoresheje ku gahato. Urukiko Gacaca rwabaga rufite dosiye iteye ityo rwakurikiranaga rukareba koko niba uwo muntu yarashyizweho agahato atashoboraga kwikura. Agahato kose siko katigobotorwa. Uwabaga avuga ko yashyizweho agahato yanagaragazaga uwakamushyizeho n'uburyo yakamushyizeho. Urukiko rukareba niba koko ntabwo yari kubiyigobotora. Hari abagaragaje ko babafatiyeho imbunda ku gakanu ngo bice cyangwa bakore ikindi cyaha; hari n'abagaragaje aho bakubiswe babakangisha ngo nabo bemere gufatanyaga n'abandi gukora ibyaha babavanye mu ngo zabo. Muri make, icyo byagaragaraga ko umuntu yakoresheje ibyaha ku gahato katigobotorwa ntiyabihanirwaga.

Agaka ka 12. Kuba Inyangamugayo z'Inkiko Gacaca zitarize amategeko

Imiryango imwe n'imwe twavuze haruguru iharanira uburenganzira bwa muntu yakunze kugaragaza ko kuba inyangamugayo z'Inkiko Gacaca atari inzobere mu by'amategeko zitazashobora kuburanisha imanza za Jenoside⁷⁰. Nk'uko bizwi, Gacaca yari isanzwe mu muco nyarwanda. Uwabaga yakozwe icyaha yaregwaga muri gacaca abakuru bakamucyaha, imiryango yombi (uw'uwahemukiwe n'uw'uwahemutse) ikiyunga ikibazo kigakemuka. icyari kigambiriwe cyane cyane ni ugutokora agatotsi kabaga kaje hagati

⁶⁹ L. MELVEN, *conspiracy to murder- the Rwandan genocide*, London, Verso Publishers, 2004, p.56.

⁷⁰ ASF, *Rapport analytique des juridictions Gacaca n° 5*, janvier 2008-mars 2010, p.19.

y'iyi miryango yombi. N'ubwo nta mategeko yanditse yariho icyo gihe, ibibazo byarakemukaga hashingiwe ku muco. Tugarutse ku Nkiko Gacaca, dusanga n'ubundi Inkiko Gacaca zarakomeje iyi ntego nyamukuru ya Gacaca yo hambere y'ubwiyunge ariko noneho zifashishije amategeko yanditse. Aya mategeko yanditse agenga Inkiko Gacaca akubiyemo amahame y'uburenganzira bwa muntu n'agenga urubanza ruboneye.

Iyo turebye uko ibyaha bya Jenocide byakozwe usanga icyari kigoye ari umurimo wo kumenya ababikoze. Ibi kandi byaje kugenda byorohera Inyangamugayo biturutse cyane cyane ku buhamya bwatangwaga n'abibikoze babyireze bakabisabira imbabazi, abarokotse n'abandi batangabuhamya babyiboneye bikorwa. Iyo ibimenyetso bihamya icyaha umuntu cyangwa bimuhanaguraho icyaha byamaze rero kuboneka nta kindi kiba gisigaye uretse kureba mu gitabo cy'Itegeko Ngenga n° 16/2004 rigenga Inkiko Gacaca icyo riteganyiriza buri cyaha. Ibi rero si ibintu bisaba kuba waminuje mu mategeko. Ubuhamya bw'abaturage ku byabaye (ibyo bakoze, ibyababaye, ibyo babonye n'ibyo bumvise) muri ibyo bihe nibwo ahanini bwatangaga icyerekezo cy'umwanzuro w'urubanza nk'uko n'indorezezi ubwazo zabigaragaje⁷¹. Twakwibutsa kandi ko Inyangamugayo zahawe amahugurwa ku mategeko n'amabwiriza anyuranye agenga iburanisha mu Nkiko Gacaca ku buryo ahenshi wasangaga baranayafashe mu mutwe kuko itegeko ngenga ryavuzwe haruguru ku Nyangamugayo ryari nka bibiliya y'umukirisitu. Twakwibutsa nanone ko Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwari rufite abanyamategeko bahagije bashinzwe guhuza ibikorwa by'Inkiko Gacaca bahoraga bagira inama Inyangamugayo mu by'amategeko igihe cyose bibaye ngombwa.

N'ubwo tutagamije kugereranya gahunda y'Inkiko Gacaca n'ubundi buryo buriho bwo guhana ibi byaha bya Jenocide, ariko iyo usesenguye umurimo Inyangamugayo z'Inkiko Gacaca zakoze usanga ari indashyikirwa.

Agaka ka 13. Gusubika kenshi isozwa ry'imirimo y'Inkiko Gacaca

Mu ntangiriro, Itegeko Ngenga n° 16/2004 ryo ku wa 19/06/2004 ryahaga ububasha Inkiko Gacaca bwo kuburanisha gusa amadosiye yo mu rwego rwa kabiri n'urwa gatatu. Ubwo Inkiko Gacaca ziteguraga gusozwa iburanisha ry'ayo madosiye, hakoze ivugururwa ryo ku wa 01/03/2007 bituma isozwa ry'imirimo y'Inkiko Gacaca ryigizwayo maze bimwe mu byaha byari mu rwego rwa mbere bishyirwa mu rwego rwa kabiri (mu bubasha bw'Inkiko Gacaca). Ibyo byaha ni ibi bikurikira:

⁷¹ Reba Raporo ya PRI yavuzwe haruguru ku rupapuro rwa 18.

1. umwicanyi ruharwa wamamaye aho yari ari cyangwa aho yanyuze kubera umwete yagize mu bwicanyicyangwa ubugome bukabije yabukoranye, hamwe n'ibitso bye;
2. umuntu wakoreye abandi ibikorwa by'iyicarubozo, kabone n'iyi byaba bitarabaviriyemo gupfa, hamwe n'ibitso bye;
3. umuntu wakoze ibikorwa by'ubushinyaguzi ku murambo, hamwe n'ibitso bye.

Mu mwaka wa 2008, Inkiko Gacaca zirangije kuburanisha amadosiye yavuzwe haruguru, hakoze irindi vugurura ryo ku wa 19/05/2008⁷² maze Inkiko Gacaca zihabwa ububasha bwo kuburanisha amwe mu madosiye yo mu rwego rwa mbere n'amadosiye yari atarafatwaho umwanzuro wa nyuma mu nkiko zisanzwe n'iza gisirikare nabwo isozwa ry'Inkiko Gacaca rimurwa. Ayo madosiye yo mu rwego rwa mbere yaburanishijwe n'Inkiko Gacaca ni aya akurikira:

1. Abantu bakoze ibyaha cyangwa ibikorwa by'ubufatanyacyaha bibashyira mu bashishikariye abandi umugambi wa Jenocide, abagenzuye n'abayoboye Jenocide cyangwa ibindi byaha byibasiye inyokomuntu, hamwe n'ibitso byabo;
2. Abantu bari mu nzego z'ubuyobozi ku rwego rwa Superefegitura n'urwa Komini : mu nzego z'ubutegetsi bwa Leta, mu mashyamba ya politiki, mu Gisirikari, muri Jandarumori, muri Polisi ya Komini, mu madini cyangwa mu mitwe yitwaraga gisitiki mu buryo butemewe n'amategeko, bakaba barakoze ibyaha bya Jenocide cyangwa ibindi byaha byibasiye inyokomuntu cyangwa akoshya abandi kubikora, hamwe n'ibitso byabo ;
3. Abantu basambanyije abandi ku gahato cyangwa bangije imyanya ndangagitsina, hamwe n'ibitso byabo.

Abantu bemeranywaga ku bushobozi bw'Inkiko Gacaca mu kwihutisha izo manza. Iyi mvugo yashimangiye n'umusraro wagezweho wagaragazaga ubushobozi bw'Inkiko Gacaca bwo kuburanisha neza imanza za Jenocide.

Amadosiye yoherejwe Inkiko Gacaca avuye mu nkiko zisanzwe n'iza gisirikare ni aya akurikira:

1. Imanza ziri mu Nkiko zisumbuye n'iza Gisirikari zitarafatwaho umwanzuro wa nyuma,
2. Imanza zajuririwe ziri mu Rukiko Rukuru rwa Repubulika cyangwa Urukiko Rukuru rwa Gisirikari zitarafatwaho umwanzuro wa nyuma ziburanishwa

⁷² Reba ingingo ya 9 y'Itegeko Ngenga n° 13/2008 ryo ku wa 19/05/2008, *Igazeti ya Leta ya Repubulika y'u Rwanda* n° 11 yo ku wa 01/06/2008.

3. Imanza zaburanishijwe n'Inkiko zisumbuye n'iza Gisirikari zikaba zitararenza igihe cyo kujurira giteganywa n'amategeko
4. Imanza ziri mu Rukiko rw'Ikirenga zitarafatwaho umwanzuro wa nyuma
5. Imanza zaburanishijwe n'Urukiko Rukuru rwa Repubulika n'izaburanishijwe n'Urukiko Rukuru rwa Gisirikari zitararenza igihe cyo kujurira giteganywa n'amategeko.

Aya madosiye yo mu rwego rwa mbere agera kuri 9 352 hiyongereyeho n'amadosiye agera ku 1265 yaturutse mu nkiko zisanze n'iza gisirikare niyo yahawe Inkiko Gacaca ngo ziyaburanishe bituma igihe cyateganywaga cyo gusoza imirimo y'Inkiko Gacaca kigenda kimurwa bitewe n'impamvu z'ingenzi zikurikira:

- Uburemere bw'amadosiye yo mu rwego rwa mbere n'ayavuye mu nkiko zisanze n'iza gisirikare;
- Umwihariko wahawe icyaha cyo gusambanya ku gahato no kwangiza imyanya ndangagitsina;
- Abaturage bumvise ko Inkiko Gacaca zigiye gusoza imirimo yazo maze barushijeho kwandika bagaragaza ibibazo bafite birebana n'Inkiko Gacaca nabyo bifata umwanya wo kubisuzuma no kubikemura;
- Kuba utamenya igihe nyakuri urubanza ruzamara ruburanishwa;
- Kuba hari aho ikusanyamakuru ryasubiwemo rikabyara andi madosiye agera kuri 3953 nayo akaburanishwa ku ntera zose, n'izindi.

Nyuma yo gusoza iburanisha, hakurikiyeho igikorwa cyo gukora raporo y'ibyagezweho n'Inkiko Gacaca nayo yafashe igihe bitewe n'uburemere bwayo. Iyi raporo igaragaza imyirondoro y'ababuranishijwe na buri rukiko Gacaca mu buryo burambuye (amazina y'ababuranishijwe, amazina y'ababyeyi, igihe bavukiye, aho batuye, aho babarizwa, itariki baburanishirijweho n'igihano bahawe).

Izi mpamvu zose zavuzwe haruguru ariko cyane cyane kubungabunga amahame y'urubanza ruboneye nibyo byatumye gusoza imirimo y'Inkiko Gacaca bigenda byigizwa inyuma. icyakora nanone twavugaga ko mbere y'itariki ya 04/05/2012 yagenwe n'Inama y'Abaminisitiri yo ku wa 21/12/2011, nta tariki ntarengwa yo gusoza ibikorwa by'Inkiko Gacaca yari yarigeze iteganywa. Igihe cyo gusoza cyavugwaga cyabaga gishingiye ku mihigo Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwabaga rwihaye ariko muri ibyo byose intego nyamukuru yabaga ari ugushaka gukora umurimo unoze. Iyi tariki yo gusoza yaje kwimurirwa kuwa 18/06/2012 kugira ngo bihuzwe n'isabukuru y'imyaka 10 imirimo y'Inkiko Gacaca itangijwe mu cyiciro cy'icyitegererezo.

Agaka ka 14. Kuba harabayeho kuvugurura kenshi amategeko agenga Inkiko Gacaca

kuvugurura itegeko ni ibintu bisanzwe. Ivugururwa riba rifite icyo rihindura, ryuzuza cyangwa se risobanura kurushaho ku itegeko riba risanzwe kugira ngo ryoroherere abo rireba mu kuryumva no kurishyira mu bikorwa. Itegeko Ngenga n° 16/2004 ryo ku wa 19/06/2004 rigena imiterere, ububasha n'imikorere by'Inkiko Gacaca, ryaje rikuraho Itegeko Ngenga n° 40/2000 ryo ku wa 26/01/2001 rishyiraho Inkiko Gacaca kandi rigena ikurikirana ry'ibyaha bigize icyaha cya Jenocide n'ibindi byaha byibasiye inyokomuntu byakorewe mu Rwanda hagati y'itariki ya mbere Ukwakira 1990 n'ya 31 Ukuboza 1994. Ivanwaho ry'iri tegeko ngenga ahanini ryari rishingiye ku masomo yari avuye mu kicio cy'icyitegererezo. Byari ngombwa ko habaho impinduka mu birebana n'imiterere n'imikorere by'Inkiko Gacaca, nko mu birebana n'ikusanyamakuru, ububasha bw'Inkiko Gacaca, impinduka mu gukurikirana no guhuza ibikorwa by'Inkiko Gacaca, ibyerekeye inzego z'abaregwa n'ibihano, mbese muri rusange byasabaga ivugururwa ry'Inkiko Gacaca mu buryo budasubirwaho kandi mu byiciro byazo byose ku buryo byasabaga ko Itegeko Ngenga n° 40/2000 rikurwaho ryose hagamijwe gutunganya imikorere y'Inkiko Gacaca.

Ku birebana n'Itegeko Ngenga n° 16/2004 ryo ku wa 19/06/2004, naryo ryagiye rivugururwa igihe cyose byabaga ari ngombwa hagamijwe kunoza imikorere y'Inkiko Gacaca cyangwa se gutanga igisubizo ku mbogamizi zabaga zagaragaye mu mikorere ya buri muni y'Inkiko Gacaca.

Dukurikije ko gahunda y'Inkiko Gacaca yari nshya nta handi yabaye ngo ifatweho urugero, byasabaga buri gihe guhanga no gushaka ibisubizo byihuse ku mbogamizi zabaga zagaragaye mu mirimo y'Inkiko Gacaca. Dore bimwe mu byagombaga kubonerwa umuti binyuze mu ivugururwa ry'Itegeko rigenga Inkiko Gacaca :

- Kugaragaza ifasi ya buri rukiko Gacaca nyuma y'ivugururwa ry'itegeko rigenga inzego z'imitegekere y'Igihugu cy'u Rwanda bifitanye isano;
- Guteganya mu itegeko ingamba zo kwihutisha imanza za jenocide kuko zari nyinshi;
- gukemura ikibazo cy'ubucucike bw'amagereza;
- gukuraho igihano cyo kwicwa mu itegeko rigenga Inkiko Gacaca;
- kureba uko ibihano byatangwaga ku bahamwe n'icyaha cya jenocide byakoroshwa;
- guteganya ingamba zo kwihutisha by'umwihariko iburanisha ry'amadosiye yo mu rwego rwa mbere;
- kugena uburyo amadosiye yari akiburanishwa n'inkiko zisanzwe n'iza gisirikare yari atarafatwaho umwanzuro ku rwego rwa nyuma yakoherezwa Inkiko Gacaca;

- Kugena uko imiburanishirize y'icyaha cyo gusambanya ku gahato no kwangiza imyanya ndangagitsina mu nkiko Gacaca yagenda kandi hatabayeho gukomeretsa uwakorewe ibyo byaha;
- guteganya uko ikurikiranabyaha n'ikurikirabihano ku byaha bya Jenoside bizakorwa nyuma y'isozwa ry'imirimo y'Inkiko Gacaca.

Nk'uko twabivuze haruguru, nyuma ya buri vugurura, hakorwaga amahugurwa y'inyangamugayo zose z'Inkiko Gacaca kugira ngo zisobanurirwe ibishya bizanywe n'ivugurura. Iri tegeko ngenga n° 16/2004 ryo ku wa 19/06/2004 ryavugururwe inshuro eshatu: mu mwaka w'2006, uw'2007 n'uw' 2008. Impamvu z'ingenzi za buri vugurura mu buryo burambuye, twazivuzeho hejuru.

Agaka ka 15. Kuba ikusanyamakuru ritagaragaje ukuri kose kuri Jenoside

Zimwe muri komite z'abacitse ku icumu zagiye zigaragaza ko ikusanyamakuru ritagaragaje ukuri kose ku byaha byakozwe mu gihe cya Jenoside ndetse bakanasaba ko Inkiko Gacaca zitasoza icyo kibazo kidakemutse⁷³. Ni muri urwo rwego hari ahantu hamwe na hamwe byabaye ngombwa ko ikusanyamakuru risubirwamo hagamijwe kugira ngo hatagira amakuru yakwirengagizwa. Nk'uko twabivuze haruguru, hari ahantu hagera kuri 11 haguye abantu benshi mu gihe cya Jenoside ikusanyamakuru ryasubiwemo havamo amadosiye agera ku 3 953.

Icyakora nanone, n'ubwo ikusanyamakuru hari aho ryasubiwemo, ntawahamya ko ibyaha byakozwe mu gihe cya Jenoside byose byamenyekanye n'ababigizemo uruhare bose bashyikirije ubutabera. Tuributsa rero ko Inshingano zo gukurikirana abakoze ibyaha bya Jenoside n'ibindi byaha byibasiye inyokomuntu byakorewe mu Rwanda hagati y'itariki ya mbere Ukwakira 1990 n'ya 31 Ukuboza 1994 zizakomeza na nyuma yo gusozwa imirimo y'Inkiko Gacaca.

Kubera iyi mpamvu, ingingo ya 25 y'Itegeko Ngenga n° 13/2008 ryo ku wa 19/05/2008 ibiteganya muri aya magambo: « *Ibyaha bya Jenoside n'ibindi byaha byibasiye inyokomuntu bigaragaye nyuma y'isozwa ry'imirimo y'Inkiko Gacaca bikurikiranwa mu buryo bw'ikurikiranabyaha busanzwe kandi biburanishwa n'Inkiko zisanzwe n'iza gisirikare.....* ». Iryo kurikiranabyaha rishingira ku kudasaza kw' ibyaha guteganywa n'iyi ngingo mu buryo bukurikira : « *Ikurikiranacyaha n'ikurikiranabihano ku byaha bigize Jenoside cyangwa ibyaha byibasiye inyokomuntu ntibisaza* ».

⁷³ Ibaruwa komite y'abacitse ku icumu bo mu Murenge wa Kagano, Akarere ka Nyamasheke bandikiye Urwego rw'Igihugu rushinzwe Inkiko Gacaca yo ku wa 27/07/2009.

Agaka ka 16. Gacaca ngo ni ubutabera bw'abatsinze urugamba

Umuryango mpuzamahanaga PRI (Penal Reform International) wakunze kuvuga ko Gacaca ari ubutabera bw'uwatsinze urugamba ku watsinzwe⁷⁴. Imwe mu mpamvu ituma babivuga ngo ni uko hari abaturage bababwiye ko Inkiko Gacaca ziburanisha gusa ibyaha byakorewe Abatutsi ngo zikirengagiza ibyakorewe Abahutu⁷⁵.

Urugamba rwatangiye ku ya mbere Ukwakira 1990 kugeza mu mwaka wa 1994 rwari urugamba rwo kubohora Abanyarwanda bose ingoyi y'igitugu bari bariho. Iyo ngoyi y'igitugu yarangwaga n'imiyoborere mibi yigishaga amacakubiri, ivangura, itonesha kugeza ku ishyirwa mu bikorwa rya Jenocide yari igamije kurimbura igice kimwe cy'Abanyarwanda.

Kwibohora rero cyari icyifuzo cy'Abanyarwanda bose uretse abari mu gice gito cyitwaga „akazu“⁷⁶ cyakandamizaga abandi. Intsinzi rero yabaye iy'Abanyarwanda bose kuko bari banyotewe na demukarasi, iyubahirizwa ry'uburenganzira bwa muntu, kugira uburenganzira bwo kwiga mu mashuri makuru n'ayisumbuye nta "ringaniza" rikozwe, kugira uburenganzira bungana bwo gukora mu nzego z'ubuyobozi nta wiswe "ingwizamurongo"⁷⁷, abari n'abategarugori bari barakandamijwe bari bakeneye guhabwa ijamba mu nzego zifatirwamo ibyemero, abari bafunze by'agateganyo n'abahohotewe ku cyaha cya Jenocide bifuzaga ubutabera, kugira ishema ryo kuba Umunyarwanda aho guhabwa amahirwe cyangwa se kuyimwa biturutse ku ivangura ry'amako cyangwa se iry'uturere ryagaragariraga mu ndangamuntu, ibikorwa by'iterambere n'ibindi byiza byinshi twari twaravukijwe tumaze kugeraho.

Uretse abashaka kwigiza nkana nta wuyobewe ko mu Rwanda habaye Jenocide yakorewe Abatutsi; gukurikirana abayigizemo uruhare nabyo bikaba ari ibintu byumvikana ndetse no mu rwego mpuzamahanga kuko Umuryango w'Abibumbye ari wo wa mbere watangiye kubakurikirana hakiri kare ushyiraho Urukiko Mpuzamahanga Mpanabyaha Rwashyirweho u Rwanda rukorera Arusha muri Tanzaniya⁷⁸ mu mpera z'umwaka wa 1994 mu gihe mu Rwanda twari tukiri mu myiteguro⁷⁹. Uwashaka

⁷⁴ Reba www.penalreform.org, *Analyse de PRI sur les Juridictions Gacaca*, urupapuro rwa kane, byarebwe ku wa 15/03/2012.

⁷⁵ Ibidem.

⁷⁶ Akazu kari kagizwe n'abantu bake bari ibikomerezwa ku ngoma ya Habyarimana abenshi wasangaga bavuka mu cyahoze ari Perefegitura ya Ruhengeri na Gisenyi.

⁷⁷ Ingwizamurongo bari Abatutsi bakoraga mu nzego z'ubuyobozi.

⁷⁸ UMURYANGO W'ABIBUMBYE, Akanama gashinzwe umutekano, *Umwanzuro wa n° 955 wo ku wa 8 Ugushyngiro 1994* ushyiraho Urukiko Mpuzamahanga Mpanabyaha rwashyirweho u Rwanda, [http://www.un.org/french/documents/view_doc.asp?symbol=S/RES/955\(1994\)](http://www.un.org/french/documents/view_doc.asp?symbol=S/RES/955(1994)), byarebwe ku wa 09/08/2011.

⁷⁹ Itegeko rya mbere rihana icyaha cy'itsembabwoko n'itsembatsemba ryashyizweho ku wa 30/08/1996.

rero gushyigikira ko abagize uruhare muri Jenoside batakurikiranwa biba bigaragaza ko kuri we il byakozwe mu gihe cya Jenoside atabibona nk'ibyaha, ko ababikoze nta kibi bakoze, bene uwo mu uwo kwitabwaho akigishwa kuko aba agifite imitekereze ishaje yo kuvangura Abanyarwanda kandi ibi mwanya bigifite mu Rwanda kuko tuzi aho byagejeje Abanyarwanda.

Inkiko Gacaca rero ntabwo zigeze ziburanisha ibyaha byakorewe Abatutsi gusa nk'uko PRI ibivuga zaburanishaga umuntu wese wahohotewe: ni ukuvuga umuntu wese wiciwe, washakishijwe ngo ariko ntibigerweho, wangirijwe imyanya ndangabitsina, wasambanyijwe ku gahato, wakomere cyangwa akagirirwa urundi rugomo, wasahuwe, wasenyewe cyangwa akangirizwa umutungo ku buryo, azira ubwoko bwe cyangwa ibitekerezo bidashyigikiye Jenoside⁸⁰. Ibi rero ntabwo h kurobanura ku ikurikiranwa ry'ibyaha kuko twese tuzi ko Abatutsi ari bo bishwe bazira ubwoko b icyakora hari n'Abahutu bishwe bazira ko banze kwitabira Jenoside cyangwa se ibitekerezo l bidashyigikiye Jenoside⁸¹. Abakorewe ibyaha bazira imwe muri izi mpamvu zavuzwe hari ababibakoreye barahanwe mu nkiko Gacaca nta vangura baba Abahutu cyangwa se Abatutsi. Ibi by ukwerekana ko uwagize uruhare muri byaha bya Jenoside uwo ari wese wamenyekanye (nta var yabiryojwe akabihanirwa mu Nkiko Gacaca.

Tugarutse rero ku batsinzwe urugamba, ntabwo Inkiko Gacaca zashyiriweho kuburanisha abats urugamba ziburanisha abagize uruhare mu byaha byavuzwe haruguru. Niba hari n'uwatsinzwe urug wakurikiranywe ntibyatewe n'uko yatsinzwe urugamba byatewe n'uruhare yagize muri Jenoside. Hari h abatekereza ko kuba Inkiko Gacaca zitaraburanishije ibyaha byakozwe n'abasirikare ba APR byaba b mugambi wo guhishira ibyo byaha ariko si byo kuko nk'uko twabivuze haruguru nabo bakurikii n'Inkiko za gisirikare cyane cyane ko ari ibyaha byakozwe n'umuntu ku giti cye bitandukanye n'ibyah Jenoside byateguwe n'ubutegetsi bukanashyigikira ikorwa ryabyo.

Mu gusozza iki gice rero, twavugaga ko Inkiko Gacaca atari ubutabera bureba igice iki n'iki cy'Abanyarw ubutabera burobanura mu gukurikirana abanyabyaha ahubwo ni ubutabera bureba abagize uruhare byaha bya Jenoside abo ari bo bose nta kurobanura.

⁸⁰ Reba ingingo ya 34 y'Itegeko Ngenga no 16/2004 ryo ku wa 19/06/2004 rigenga Inkiko Gacaca rya haruguru.

⁸¹ Twavugaga nka Agatha UWIRINGIYIMANA wari Minisitiri w'Intebe, abanyapolitiki benshi bashyungu Rebero mu Karere ka Kicukiro n'abandi baturage bazize ibitekerezo byabo, kwitabira Jenoside cyangwa g abahigwaga.

Igika cya 2. Bimwe mu byaha bigaragaza ubugome bw'indengakamere bwakozwe mu gihe cya jenocide

Mu rwego rwo kurwanya abahakana n'abapfobya Jenocide, twagaragaje bimwe mu byaha byakozwe mu gihe cya Jenocide n'uko byakozwe. Ibi byaha byose usanga byarakoranywe ubugome ndengakamere mbese ugasanga ari ibikorwa bya kinyamaswa. Ibi bikorwa byagiye bitangwaho amakuru mu gihe cy'ikusanyamakuru ndetse no mu gihe cy'iburanisha. Ibi kandi bigaragaza uburemere bw'akazi Inyangamugayo z'Inkiko Gacaca zari zifite. Dore bimwe muri byo:

A. Kubaga umuntu bakamurya

Ingero z'aho iki cyaha cyakozwe ni izi:

- Mu Karere ka Nyarugenge: Mu Murenge wa Kimisagara, Akagali ka Kimisagara uwitwa MUGABOWINDEKWE Vianney na Joseph, bafashe TWIZEYIMANA Jean Marie Vianney baramubaga, bamukuraho uruhu, bamukataho inyama bazotsa mushikaki (burusheti) barazirya;
- Mu karere ka Nyarugenge, Umurenge wa Kanyinya, mu Kagali ka Mubuga uwitwa RUZIBIZA Ignace na MUSAFIRI bashatse gusambanya umukobwa witwa KAYITESI ku gahato aranga baramubaga nk'ababaga itungo bamukuraho uruhu n'ibice by'umubiri bye barabitandukanya bamukuramo umutima bawuha abana barawukinisha mu muhanda bavuga ngo nibarebe uko umutima w'umututsikazi umeze.
- Mu Karere ka Rusizi, Umurenge wa Mururu mu Kagali ka Mutara ahitwa mu Gatandara hari bariyeri ikomeye y'interahamwe babagaga abantu bakabotsa imitima bakayirya. Nk'uko byavuzwe mu gihe cy'iburanisha mu rukiko Gacaca rw'umurenge n'ubujirire za Kamembe ndetse bikemezwa na Madamu MUKANKUNDIYE Stephanie nawe wari ukurikiranyweho icyo cyaha agahabwa igihano nsimbura gifungo kuko yabisabiye imbabazi, ngo abagabo bakoreraga kuri iyo bariyeri nibo baryaga abo babaga bamaze kwica. Mu kiganiro twagiranye na Madamu MUKANKUNDIYE ku wa 08/03/2012 yadutangarije ko yiboneye uwitwa NYARUPFUMU na ROGER barya burusheti y'umutima wa nyakwigendera KARANGWA Emile wari umucuruzi i Kamembe, hanyuma baza mu kabari ke bigamba ngo *"turamwishe, turanamuriye nanazuka azazuka atagira umutima"*. Ubuhamya bwatanze kuri icyo cyaha bwagaragaje ko ababaga biciwe kuri bariyeri yo mu Gatandara babakuragamo imitima bakayokereza mu kabali ka MVUNINGOMA Daniel (ufungiyeye ubu muri Gereza ya Cyangugu kubera icyo cyaha) bakabarisha ibitoki. Bamwe mu baguye kuri iyo bariyeri bariwe imitima ni aba bakurikira: HABIMANA Jean Marie Vianney Alias

Gapfumu, SIBOMANA Benoît, NAHAYO Théodore, NZISABIRA Trojan, NKATA Bernard, NSENGIYUMVA Albert na GATASHYA Ananiya. Abicanyi bakoraga kuri icyo bariyeri barimo KABAMBA Nyarupfumu, Roger, RENZAHU Patrice, MVUNINGOMA Daniel n'abandi bo mu Murenge wa Mururu.

- Mu Karere ka Karongi, Umurenge wa Gihango, Akagali ka Murambi uwitwa SERUSENYI Ramadhan afatanyije n'abandi bicanyi bishe umututsikazi witwa NYIRABAJA Vénantie baramubaga bamutera imirwi baramurya. Yakatiwe igihano cy'igifungo cya burundu y'umwihariko afungiyeye muri Gereza ya Nyakiriba mu Karere ka Rubavu.

B. Ibikorwa by'iyicarubozo

Dore ingero z'aho ibi byaha byakozwe:

- Mu Karere ka Ruhango, Umurenge wa Kinihira, Akagali ka Nyakoko uwitwa Kamonyo na bagenzi be bafashe KANKWANZI Anastasie, AYINKAMIYE Marthe, MUKANTABANA Aloysie na NYUMBAYIRE Béatrice babajugunya mu mu musarani ari bazima, bukeye bwaho abaturanyi babo bacaniriyeye amazi mu ngunguru amaze kubira bayabamena hejuru muri uwo musarani.
- Mu Karere ka Nyamagabe, Umurenge wa Cyanika uwitwa NZEYIMANA Laurent, KANYENZI Frédéric na MUSONERA J. Baptiste bafashe umukecuru witwa NYABUHHORO bamutwikira mu nzu.
- Mu Karere ka Nyarugenge, Umurenge wa Nyamirambo, Akagali ka Kivugiza uwitwa NSENGIYUMVA Léopold yatanze amabwiriza yo gukingirana umukecuru mu nzu hamwe n'imbwa, imbwa yariye uwo mukecuru kugeza apfuye.
- Mu Karere ka Nyarugenge, Umurenge wa Kanyinya, Akagali ka Nzove uwitwa RUSINE Innocent yishe umugore we amusatuye n'ishoka yishe n'umwana we na nyirabukwe.
- Mu Karere ka Kicukiro, Umurenge wa Kigarama, Akagali ka Rebero uwitwa NGEZAHAYO Dominique yafashe umwana w'uruhinja amaguru amuhondagura ku giti kugeza apfuye!
- Mu Karere ka Ngororero, Umurenge wa Nyange, Padiri SEROMBA Athanase yategetse abaturage bari baje kwica Abatutsi bari bahungiyeye muri Kiliziya kuyisenya, bayibaroha hejuru hakoreshejwe ikimodoka cya tingatinga.
- Mu Karere ka Ngororero, Umurenge wa Ngororero ahitwaga ku ngoro ya muvoma (MRND) hari harahungiyeye Abatutsi bagera ku bihumbi cumi na bitanu bose babateranyirije muri icyo

ngoro barayigota bayisukaho amavuta (*essence*) babatwikiramo; bivugwa ko harokotsemo abantu barindwi gusa.

- Mu Karere ka Kicukiro, Umurenge wa Kigarama, akagali ka Rwampara uwitwa MURIRIKIZA Léonard yaciye umutwe w'umuntu awumanika ku giti agenda awerekana.
- Mu Karere ka Nyanza, Umurenge wa Cyabakamyi uwahoze ari Bourgmestre witwa RUTIGANDA yaciye umuntu umutwe akoresheje icyuma cya gisirikare, amwerekana mu baturage mu rwego rwo kubaha urugero.
- Mu Karere ka Kirehe, kuri paruwasi Nyarubuye abicanyi bamaze kwararika imbaga y'Abatutsi bari bahahungiyeye, babasutsemo urusenda rw'ifu ngo uwaba agihumeka yitsamure nawe bamunogonore.
- Mu Karere ka Gisagara i Muyenzi basatuye inda y'umudamu wari utwite yenda kubyara bavanamo umwana bamujomba ku icumu baramumanika.

C. Kwamamara mu bwicanyi

Dore zimwe mu ngero z'aho byakozwe:

- Mu Karere ka Karongi, umurenge wa Gashali, Akagali ka Musasa uwitwa RUGARAVU Pontien yireze ko yishe abantu 99 abuze uw'100 yica ihene ye, yarireze yahanishijwe gukora imirimo nsimburagifungo.
- Mu karere ka Karongi, Umurenge wa Murundi, Akagali ka Nyamushishi uwitwa HABİYAREMYE Bernard yishe abantu barenga 300 kuko Umututsi wese wafatwaga niwe bamushyikirizaga akamwica bari baramuhimbye "kimashini" kubera kwica; yakatiwe burundu afungiyeye muri Gereza ya Mpanga.
- Mu Karere ka Ngoma uwitwa HABIMANA Emmanuel Alias CYASA yazengurutse icyahoze ari Perefegitura yose ya Kibungo n'amwe mu makomini ya Kigali Ngali yica, ashishikariza Abahutu kwica Abatutsi, atwika akanatanga ibikoresho by'ubwicanyi, yakatiwe ighano cy'igifungo cya burundu, afungiyeye muri Gereza ya Kibungo.
- Mu Karere ka Rutsiro, Umurenge wa Murunda, Akagali ka Musongati uwitwa HATEGEKIMANA Sabin, mu gihe yaburanishwaga yavuze ko atamenya umubare w'abantu yishe kuko yishe abantu ahantu henshi hatandukanye. Dore hamwe muho yavuze yageze yica: yahereye i Murunda kuri paruwasi yica abapadiri b'Abatutsi bahabaga, akomereza kuri Komini Rutsiro afatanyije n'igitero

kinini cy'interahamwe batsemba Abatutsi bari barahungiyeye bagera nko ku bihumbi bibiri, bajya ahitwa i Nyamagumba mu murenge wa Gihango bica Abatutsi bagera ku bihumbi bitanu bari barahungiyeye bakoresheje imbunda na gerenade, baje kujya i Mushubati kuri “foiyer” barica, bajya i Rubengera, bakomereza ku kibuga cy'umupira cya Gatwaro hari harahungiyeye Abatutsi benshi barabica, bajya mu Bisesero ahabereye amabi umuntu atabasha kuvuga. Bwana Hategekimana afungiyeye muri Gereza ya MPANGA, yakatiwe mu nkiko zitandukanye igihano cy'igifungo cya burundu y'umwihariko.

D. Ibikorwa byo gushinyagurira imirambo

Dore ingero z'aho byakozwe:

- Mu karere ka Nyamagabe, Umurenge wa Cyanika uwitwa MUKANZIZA Agnès yafashe abantu babiri biciwe iruhande rw'urugo rwe abagaburira ingurube zirabarya.
- Mu karere ka Huye, Umurenge wa Gishamvu bataburuye imva y'uwitwa MUKIMBIRI umututsi wari warapfuye mbere ya Jenoside bashakamo imbunda kuko hari umuhungu we wari waragiye mu Nkotanyi, maze bamujugunya hanze.
- Mu karere ka Huye, Umurenge wa Tumba, ahitwa Cyarwa cy'Imana bataburuye imva y'umubeyi wa GATETE Polycalpe wari warapfuye mbere ya Jenoside bateragura hejuru amagufwa ye barangije banasahura ibikoresho bya “fer à beton” byari biyubatswe.

E. Gusambanya ku gahato no kwangiza imyanya ndangagitsina

Dore zimwe mu ngero z'aho ibi byaha byakozwe:

- Mu Karere ka Nyarugenge, Umurenge wa Kigali, Akagali ka Birambo, umugabo witwa AKUTAZI yasambanyije umugore ku gahato arangije amujomba igisongo mu gitsina aramwica. Ibi byabaye ahantu henshi kuko no mu gihe cyo gutaburura abantu ngo bashyingurwe mu cyubahiro hari aho basangaga ibisongo bikibarimo.
- Mu Murenge wa Cyanika, mu nama rusange ya Cyanika, Uwitwa GAKUBA Gaspard yasohoye Valeriya muri paruwasi amusambanya ku gahato arangije amutera ibisongo mu gitsina aramwica.
- Mu Karere ka Kayanza, Umurenge wa Rukara, basambanyije ku gahato umukobwa witwa UWERA M. Dalie barangije bamuzengurutse muri santeri ya Karubamba yambaye ubusa ngo ni uko

yababenze, nyuma yarishwe abambwa ku giti kugeza aho ingabo z'Inkotanyi zihagereye zikamanura umurambo we.

- Mu Karere ka Kamonyi, Umurenge wa Karama, uwitwa NYIRAMBONIMANA Marie yashahuye KAYIJUKA Marcel ari muzima;
- Mu karere ka KICUKIRO, Umurenge wa Gikondo, Akagali ka Kanserege, uwitwa BAZIRA Léonard n'umuhungu we bishe KARINAMARYO J. Chrisostome baramushahura.
- Mu Karere ka Kamonyi, Umurenge wa Gacurabwenge uwitwa HATEGEKIMANA André yasambanyije ku gahato umugore ntiyamwica amutera inkota mu kibero ngo bimubere urwibutso;
- Mu Karere ka Rubavu, mbere y'uko bica umu padiri witwa NTAGARA babanje kumuha abagore baramusambanya ku gahato;
- Mu Karere ka Rubavu, Umurenge wa Mutovu uwitwa SEBUNYANYAGARA Bernard wahigwaga bamucukuriye akobo ngo nakorongore niko mugore we! Ababimikoreye barimo uwahoze ari Responsable w'Akagali witwa NZIYUMVIRA Philippe Alias Gakoti afatanyije n'abasirikare bayoborwaga na NGOBOKA F.Xavier. Ku bw'amahirwe SEBUNYANYAGARA yararokotse.

Ibi ni bimwe mu bikorwa bigaragaza ubugome bw'indengakamere bwakorewe Abatutsi mu gihe cya Jenoside, bigamije kubarimbura burundu ngo *"n'uzavuka azabaze uko umututsi yasaga"* nk'uko abicanyi babivugaga. Ibi bikorwa bya kinyamaswa byakorewe Abatutsi nko kubasambanya ku gahato, kubotsa bakabarya, kubashyira mu misarani n'ibindi bigaragaza uburyo Abatutsi batari bagifatwa nk'abantu ahubwo bari barambuwe ubumuntu.

Igika cya 3. Zimwe mu manza zatunzwe agatoki

Muri iki gice, dusangamo ibisobanuro kuri zimwe mu manza zaburanishijwe n'Inkiko Gacaca zitavuzweho rumwe kimwe n'izitaraburanishijwe kandi amadosiye y'abaregwa yari yarakozwe. Iyi nyandiko yafasha abagiye bibaza uko izi manza zaciwe cyangwa se impamvu ayo madosiye ataburanishijwe kurushaho kubisobanukirwa. icyakora nanone ni ibisanzwe ko ababuranyi cyangwa se abagiye gukurikirana urubanza bataruvugaho rumwe bitewe n'uko buri wese aba abyumva ariko icy'ingenzi ni uko urubanza ruba rwaburanishijwe mu buryo bwubahirije amategeko.

Agaka ka mbere: Imanza zatunzwe agatoki

Iki gice gikubiyemo ahanini imanza z'abantu wasangaga ari abavuga rikumvikana mu gihe cya jenocide cyangwa se nyuma yaho. Harimo abanyepolitiki, abanyemari, injijuke, abihaye Imana n'abandi banyamadini, abafite imiryango ikomeye, abari abayobozi mu nzego za Leta, n'abandi.

• Urubanza rwa Bwana Ntawangundi Joseph (Akarere ka Ngoma)

Bwana NTAWANGUNDI Joseph yari Umuyobozi wa E.A.V GITWE mu gihe cya Jenocide yakorewe Abatutsi muw'1994 nyuma yaje kujya mu mahanga. Aregwaga kugira uruhare mu rupfu rwa NSABIMANA Felicien wari umwarimu muri E.A.V Gitwe na murumuna we n'urupfu rw'abantu 6 baguye kuri E.A.V GITWE mu Murenge wa Rukira, Akarere ka Ngoma mu Ntara y'Uburasirazuba. Urukiko Gacaca rw'Umurenge wa GITWE rwaburanishije urubanza rwe adahari rumukatira igihano cy'igifungo cy'imyaka 19 ku wa 19/09/2007. Nyuma yaje gutahuka abanza guhakana ko atariwe, ko naho hantu bamushinja atahageze ndetse atanahazi ko habayeho kumwitiranya. Amaze kumenyeshwa ko yakatiwe yasabye ko urubanza rwe rwasubirishwamo, arabyemererwa kuko yakatiwe adahari.

Ku wa 24/03/2010 Urukiko Gacaca rw'Umurenge wa Gitwe rwamuburanishije mu isubirishamo ry'urubanza rwe rumukatira igihano cy'igifungo cy'imyaka 17 kuko yaburanye atemera icyaha. Ku wa 29/03/2010 yandikiye Perezida w'Urukiko Gacaca rw'Ubujurire, Umurenge wa Gitwe ajurira icyo cyemezo.

Nyuma yo kwandika ajurira, Bwana Ntawangundi Joseph yandikiye Perezida w'Urukiko Gacaca rw'Ubujurire rw'Umurenge wa GITWE inyandiko yo kwirega, kwemera icyaha, kwicuza no gusaba imbabazi ku wa 02/04/2010. Mu bwirege bwe yemera ibyaha bikurikira:

Kugira uruhare mu rupfu rwa Nsabimana Felicien na murumuna we baguye kuri E.A.V GITWE afatanyije na MUTABAZI n'undi witwa MBEBA no kuba icyitso mu iyicwa ry'abandi bantu 6 baguye kuri E.A.V GITWE. icyakora, Urukiko Gacaca rw'Ubujurire rwa GITWE rwamuburanishije nta gaciro rwahaye ubwirege bwe kuko yireze impatagihe gihe rumuhanisha igihano cy'igifungo cy'imyaka 17 (ku wa 15/04/2010) nk'uko biteganywa n'ingingo ya 58 yavuzwe haruguru.

Uru rubanza rwavuzweho cyane mu bitangazamakuru byo mu Gihugu ndetse n'ibitangazamakuru mpuzamahanga. Impamvu nyamukuru yatumaga uru rubanza rusakuza mu itangazamakuru ni uko Bwana

Ntawangundi Joseph yari yungirije Ingabire Victoire mu buyobozi bw'Ishyamba rya FDU- INKINGI ritavugaga rumwe n'ubutegetsi bikaba byaravugwaga ko afunzwe na Leta y'U Rwanda mu rwego rwo gucecekesha abatavugaga rumwe nayo. Ababivugaga biganjemo abo mu muryango we, Ingabire Victoire n'abandi bayoboze bo muri iryo shyamba babihuzaga ni uko yafashwe agarutse mu Gihugu azanye na Madamu Ingabire Victoire baje kwandikisha ishamba ryabo ryavuzwe haruguru kuko byavugwaga ko Ingabire Victoire yashakaga kuziyamamariza umwanya wa Perezida wa Repubulika.

Ibitangazamakuru byinshi byaboneyeho kwandika ko ifungwa rye ari ikimenyetso ko mu Rwanda nta bwisanzure bwo mu rwego rwa Politiki buhari, ko ubutegetsi buriho bufunga abatavugaga rumwe nabwo bose. Ibi nyamara ntibyari ukuri kuko nk'uko bigaragara hejuru Bwana Ntawangundi yakatiwe mu mwaka wa 2007 ashinjwe n'abaturage bamubonye akora ibyaha ataranamenyekana mu ruhando rwa politiki. Byongeye kandi n'ubwo agifatwe yabanye kuyobya amarari avugaga ko azira kuba ari mu Ishyamba rya FDU- INKINGI, amaze kubona ko ibyo yakozwe mu gihe cya jenocide byamenyekanye, yahisemo kubyemera abisabira imbabazi. Ibi bikaba bigaragara rero ko ibyatangazwaga mu bitangazamakuru binyuranye n'imwe mu miryango mpuzamahanga cyangwa se abantu ku giti cyabo ko yafunzwe hagamijwe gucecekesha abanyapoliti, byari bihabanye n'ukuri.

- **Urubanza rwa Bwana Nzabakirante Melane (Akarere ka Ngororero)**

Urubanza rwa Bwana Nzabakirante Melane rwavuzwe mu bitangazamakuru mpuzamahanga nko kuri Radiyo BBC Gahuzamiryango cyane cyane kuko yavaga inda imwe n'uwahozwe ari Umukuru w'Igihugu Habyalimana Yuvenali. Yaregwaga gusahura inka mu bikuyu byo muri Gishwati, Umurenge wa Muhanda, Akarere ka Ngororero.

Nzabakirante yaburanishijwe n'Urukiko Gacaca rw'Akagari ka Muhumyo, Umurenge wa Muhanda ku wa 15/08/2009. Urubanza rwaburanishijwe bwa mbere uregwa adahari ahamwe n'icyaha cyo gusahura inka. Abo mu muryango we basabye ko urwo rubanza rusubirishwamo kuko bavugaga ko Nzabakirante yafuye mbere ya Jenocide mu w'1989. Mu isubirishwamo, urubanza rwaburanishijwe n'Urukiko Gacaca rw'Akagari ka Muhumyo rwari rwarurukiye mbere ku wa 28/01/2010. Urukiko rwasanze inka yaregwaga zaratwawe n'abahungu be umubyeyi wabo amaze gupfa ariko ko bazitwaye batazi ko harimo n'iz'Abatutsi kuko ubusanzwe zabanaga mu gikuyu kimwe. Urukiko rwanzura ko icyo cyaha kitamuhama kandi ko uwashakaga kukiregera yakiregera mu nkiko zisanzwe kuko kitakozwe mu mugambi wa Jenocide.

N'ubwo ibi byakozwe Bwana Nzabakirante Melane akarenganurwa, abo mu muryango we n'imwe mu miryango iharanira uburenganzira bwa muntu ntibyababujije nyuma y'aho gukomeza gutangaza mu maraporo yabo n'izindi nyandiko zinyuranye ko mu Rwanda nta butabera buhari.

Mu ibaruwa ifunguye Bwana Pascal Kalinganire uyobora *Organization for peace, justice and Democracy in Rwanda* yandikiye Umunyamabanga Nshingwabikorwa w'Urwego rw'Igihugu rushinzwe Inkiko Gacaca ku wa 08/02/2010 yagaragaje ko Leta y'u Rwanda yakoresheje Inkiko Gacaca mu gukatira Bwana Ntawangundi ngo utarigeze uba mu Rwanda mu gihe cya jenocide (mu gihe nyir'ubwite abiyemerera) ndetse na Bwana Nzabakirante Melane ngo waziraga gusa ko yavaga inda imwe n'uwohoze ari Perezida Habayalimana; nyamara bakirengagiza ko n'ubundi urubanza rwa Nzabakirante rusubirishwamo agahanagurwaho icyaha cya jenocide byari bizwi ko ari amuvandimwe wa Habyalimana Yuvenali wari Perezida wa Repubulika. Kuba rero yaravaga inda imwe n'uwoho Perezida nta sano bifitanye n'imiburanishirize y'urubanza rwe. icyakora icyo baruwa yavuzwe haruguru ikubiyemo amakuru anyuranye n'ukuri.

- **Urubanza rwa Bwana Ntawuruhunga Hassan alias Hadji (Akarere ka Ngororero)**

Ntawuruhunga Hassan yaregwaga kugira uruhare mu bwicanyi bwabereye ahantu hatandukaye mu Karere ka Ngororero, cyane cyane ahitwa Kesho mu Murenge wa Muhanda, kuri Paruwasi ya Muramba, mu Murenge wa Hindiho, ku ngoro ya MRND mu Murenge wa Ngororero. Yashinzwaga gutegura ubwicanyi bw'aho hose mu nama yakoresheje ku wa 7/4/1994, bigashyirwa mu bikorwa guhera ku wa 8/4/1994 kandi imodoka ze zigafasha mu gikorwa cyo kujyana abicanyi aho bajyaga hose.

Ku ntera ya mbere y'iburanisha, yaburanishijwe n'Urukiko Gacaca rw'Umurenge wa Mbuye, ahamwa n'ibyo byaha byose akatirwa igihano cy'igifungo cya burundu y'umwihariko ku wa 18/09/2009. Amaze kujurira yaburanishijwe n'Urukiko Gacaca rw'Ubujurire rwa Gahogo rumugira umweme ku wa 12/10/2009 kuko yagaragaje ko inama bamurega atazigiyemo ndetse ko imodoka bavugaga yatwaye abicanyi yabaga itwawe n'umuhungu we witwaga Omar Hassan kuko yari yarayimuhaye kandi akaba yari mukuru. Urukiko rwanzura ko umuhungu we Omar Hassan agomba kubikurikiranwaho ku giti cye kuko uburyozwacyaha ari gatozi.

Uru rubanza rwasakuje ahanini kubera ko Ntawuruhunga Hassan Alias Hadji afite umuryango mugari mu Murenge wa Kabaya wakomezaga kugeza ikibazo cye mu nzego zitandukanye akaba kandi ari n'umunyemari ukomeye ukuriye amakoperative y'ibiyayi mu Karere ka Ngororero na Nyabihu.

- **Urubanza rwa Mugambira Aphrodice (Akarere ka Karongi)**

Bwana MUGAMBIRA Aphrodice yaregwaga gushishikariza abaturage kwica Abatutsi bo ku KIBUYE no mu BISESERO atanga inkunga ya ngombwa akoresheje umutungo we (imodoka, ibyombo, amafaranga na Hoteli ye). Ku ntera ya mbere y'iburanisha yaburanishijwe n'Urukiko Gacaca rw'Umurenge wa Gikondo ahamwa n'ibyaha ahanishwa igihano cy'igifungo cya burundu y'umwihariko ku wa 30/08/2009. Ku rwego rw'ubujurire yaburanishijwe n'Urukiko Gacaca rw'Ubujurire rw'Umurenge wa GIKONDO nabwo ahamwa n'ibyaha ahanishwa igihano cy'igifungo cya burundu y'umwihariko.

Bwana MUGAMBIRA Aphrodice yasabye Inama Rusange ya Gikondo ko urubanza rwe rusubirwamo iramuhakanira. Impamvu nyamukuru yatangaga asaba ko urubanza rwe rusubirwamo n'uko yavugaga ko ibyaha yahaniwe mu nkiko Gacaca zavuzwe haruguru yari yarabiburanye mu nkiko zisanzwe akabibaho umwera, aha yavugaga Urukiko rw'Ubujurire rwa Ruhengeri.

Amaze kubona ko Inama Rusange ya Gikondo itamwemereye ko urubanza rwe rusubirwamo, yagejeje ikibazo cye ku Rwego rw'Igihugu rushinzwe Inkiko Gacaca ngo rumurenganure. Mu bushishozi bwawo, Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwagennye Urukiko Gacaca rw'Ubujurire rwa Nyarugunga ngo rusuzume ikibazo cye hagereranywa ibyaha Bwana Mugambira yaburanye mu Nkiko zisanzwe n'ibyo yaburanye mu nkiko Gacaca zavuzwe haruguru.

Urukiko Gacaca rw'Ubujurire rwa Nyarugunga, rumaze kuburanisha urwo rubanza no kugereranya inyandiko zikubiyemo imanza zose Bwana Mugambira yaburanye ku byaha bya Jenocide haba mu nkiko zisanzwe no mu nkiko Gacaca, ku wa 06/03/2010 rwasanze ibyaha yaregwaga mu nkiko Gacaca yari yarabiburanye mu Rukiko rwa Mbere rw'Iremezo rwa Kibuye ndetse no mu Rukiko rw'Ubujurire rwa Ruhengeri kandi rwari rwarabaye ndakuka; rwemeza ko uregwa adakwiye kongera gukurikiranwa kuri ibi byaha. Rutegeka ko ahita arekurwa kuko rwasanze ibyemezo yari yarafatiwe mbere mu nkiko Gacaca zavuzwe haruguru byari binyuranye n'amategeko. Uru rubanza rwasakuje kubera ko Mugambira Aphrodice

ari umunyemari ukomeye akaba kandi afitanye amasano na bamwe mu barokotse jenocide bakomeye, bagahangana n'abamurega. Byongeye kandi urubanza rwe rwari rwarabaye ndakuka mu nkiko zisanzwe.

- **Urubanza rwa MUNYAGASHEKE Isaac (Akarere ka Huye)**

Bwana Munyagasheke Isaac yaregwaga gutegura Jenocide, gutanga imipanga yo kwica Abatutsi, gutanga imodoka zo gutwara interahamwe zijya kwica, kwicisha Abatutsi bari bahungiyeye iwe no kuba umufatanyacyaha mu byaha byo gusambanya ku gahato byakorewe mu Muji wa Butare. Ku ntera ya mbere y'iburanisha, Bwana Munyagasheke yaburanishijwe n'Urukiko Gacaca rw'Umurenge wa Gikondo, rumuhamya ibi byaha akatirwa igihano cy'igifungo cya burundu y'umwihariko ku wa 13/09/2009. Ku ntera y'Ubujurire, yaburanishijwe n'urukiko Gacaca rw'Ubujurire rwa Gikondo nabwo ahamwe n'icyaha akatirwa igihano cy'igifungo cya burundu y'umwihariko ku wa 21/11/2009.

Nyuma yaho yandikiye Urwego rw'Igihugu rushinzwe Inkiko Gacaca asaba kurenganurwa urubanza rwe rugasubirwamo. Imwe mu mpamvu yashingiragaho asaba ko urubanza rwe rusubirwamo ni uko yagaragaza ko yashyizwe mu rwego rutarirwo ugereranije n'ibyaha aregwa. Mu isubirwamo ry'urubanza rwe yaburanishijwe n'urukiko Gacaca rw'Ubujurire rwa Cyahafi mu Karere ka Nyarugenge. Urukiko Gacaca rw'ubujurire rwa Cyahafi rumaze kuburanisha urubanza rwe rwasanze ibyaha aregwa bitari mu bubasha bw'Inkiko Gacaca, rwanzura ko ibihano yahawe mbere bivanyweho kuko bidakurikije amategeko, rutegeka ko afungurwa by'agateganyo kandi ko dosiye ye ishyikirizwa ubushinjacyaha kugira ngo azaburanishwe n'urukiko rubifitiye ububasha. Urukiko Gacaca rwasanze uregwa ari umufatanyacyaha w'abari abayobozi bo ku rwego rw'Igihugu barimo George Rutaganda wari Visi Perezida wa MRND na Nyiramasuhuko Pauline wari Minisitiri w'Umuryango bakaba rero bo n'abafanyacyaha babo baburanishwa n'inkiko zisanzwe nk'uko biteganywa n'ingingo ya 2 y'Itegeko Ngenga n° 16/2004 ryo ku wa 19/06/2004 ryavuzwe haruguru.

Dosiye ye yashyikirijwe ubushinjacyaha aburanishwa n'Urukiko Rwisumbuye rwa Huye rumugira umwere ku wa 23/06/2011. Urubanza rwe rwasakuje kubera ko gutandukanya Munyagasheke n'abahungu be bakoze jenocide ku buryo butaziguye byari bigoye cyane cyane ko batahaga mu rugo iwe bakanakoresha ibikoresho bye mu byaha bitandukanye bakoze mu gihe cya jenocide; byongeye kandi yari umunyemari ukomeye mu muji wa Huye.

- **Urubanza rwa Padiri SEKAMANA Denis (Akarere ka Huye)**

Padiri Sekamana Denis yari umupadiri wo muri Diyosezi Gatulika ya Butare akaba yari Padiri Mukuru wa Paruwasi Ruyenzi, yaregwaga ibyaha bikurikira: kugira uruhare mu rupfu rw'abantu biciwe mu kigo yayoboraga mu gihe cya jenocide cyitwaga *Institut Catéchétique Africain* (ICA), ariyo yahindutse ubu *Institut Supérieur de Pédagogie et de Catéchèse* (ISPC) iba ku i Taba mu Mujyi wa Butare, kuba kuri bariyeri yiciweho abantu yabaga hafi ya ICA, kubika imbunda bakoresheye kuri iyo bariyeri. Padiri Sekamana yari yarafashwe muri Nzeli 1994 afungirwa muri Gereza ya Karubanda akekweho kugira uruhare mu byaha bya jenocide nyuma aza gufungurwa mu mwaka wa 1998.

Ku ntera ya mbere y'iburanisha yaburanishijwe n'urukiko Gacaca rw'Umurenge wa Butare- ville, yemera gusa ko yagiye kuri bariyeri ngo agamije kwicungira umutekano ibindi byaha arabihakana. Urukiko rwasanze ibyaha bimuhama akatirwa igihano cy'igifungo cy'imyaka 15 ku wa 19/03/2008. Urukiko rwagaragaje kandi ko Padiri Sekamana yari yarahishe amakuru kuri ibyo byaha kandi yari ayafite. Padiri Sekamana yahise ajurira, aburanishwa n'urukiko Gacaca rw'Ubujurire rwa Butare- ville nabwo ibyaha biramuhama akatirwa igihano cy'igifungo cy'imyaka 15 ku wa 06/04/2008. Ibi byaha yaburanye agerageza kubihakana ariko abo babikoranye bakabimushinja kandi no kuri iyo bariyeri bamurega bahataburuye abantu bahiciye n'ubwo we yabihakanaga. Urubanza rwe rwasakuye kubera ko Padiri SEKAMANA Denis afite umuryango w'abantu bize n'abandi bamubogamiyeho bahoraga bagaragaza ku mbuga za interineti ko arengana kandi akaba yari anashyigikiwe na Kiriziya Gatulika.

- **Urubanza rwa Dr HABARUGIRA Pascal (Akarere ka Huye)**

Dr Habarugira Pascal yari umuganga mu Bitaro bya Kaminuza y'u Rwanda i Butare mu gihe jenocide yakorwaga. Amakuru amushinja kugira uruhare muri jenocide yatanze bwa mbere mu Nkiko Gacaca mu gihe cy'ikusanyamakuru mu mwaka wa 2005. Yashinze kuba mu bateguye ubwicanyi bwakorewe Abatutsi mu mujyi wa Butare, ubwicanyi bwakorewe mu bitaro bya Kaminuza i Butare aho yatangaga abarwayi b'abatutsi bakicwa, urupfu rwa Mukangango Venantie, kuba kuri bariyeri yo ku Mukoni yaguyeho abantu benshi no kuba umwe mu bari bagize „comité de crise“ mu mujyi wa Butare. Ku wa 05/09/2007 yaburanishijwe n'urukiko Gacaca rw'umurenge wa Butare- ville rumuhamya ibyo byaha byose uretse icya mbere rumukatira igihano cy'igifungo cy'imyaka 30.

Habarugira yajuririye icyo cyemezo aburanishwa n'urukiko Gacaca rw'ubujirire rwa Butare-Ville urubanza rwe rusomwa ku wa 06/02/2008 ibyaha byari byamuhamye ku rukiko rw'umurenge birongera biramuhama ahanishwa igihano cy'igifungo cy'imyaka 19. Yandikiye inama rusange ya Butare- Ville asaba ko urubanze rwe rusubirwamo imusubiza imuhakanira mu ibaruwa yo ku wa 16/04/2008 ishingiye ku biteganywa n'ingingo ya 93 y'Itegeko rigenga Inkiko Gacaca. Nyuma yaho Dr Habarugira yandikiye Urwego rw'Igihugu rushinzwe Inkiko Gacaca asaba kurenganurwa urubanza rwe rugasubirwamo, rumusubiza rumuhakanira mu ibaruwa yo ku wa 13/05/2009 bitewe n'uko impamvu yagaragazaga zidahura n'ibyo amategeko ateganyaga ngo urubanza rusubirwemo.

Mu nyandiko ze, Dr Habarugira yakunze kwandikira inzego zinyuranye yagaragazaga ko Urukiko rw'Ubujirire rwamuhatiye kuburana ubujirire ngo atiteguye nyamara kandi ariwe wari wajuririye ndetse biri no mu nyungu ze, yavugaga kandi ko ngo atari azi ibyaha byamuhamye ku ntera ya mbere y'iburanisha kandi urubanza rwarasomwe ahari kandi ko urukiko rw'ubujirire rutagaragaje ibyaha bimuhamye nyamara kandi yaranahawe kopi y'urubanza rwe igaragaza ibyaha byamuhamye ari nabyo biba byanditse ku cyemezo cyo gufata no gufunga cye. Urubanza rwe rwavuzweho cyane kubera ko ari umuntu wize, abagize umuryango we bagiye bageza ikibazo cye mu nzego zinyuranye cyane cyane imiryango iharanira uburenganzira bwa muntu nka LIPRODHOR, LDGL, HRW no mu nzego za Leta zinyuranye.

- **Urubanza rwa SAFALI Stanley (Akarere ka Huye)**

Bwana Safali Stanley aregwa ibyaha byo gushishikariza abaturage gukora Jenocide, kugira uruhare mu rupfu rw'abantu bavanywe mu ishyamba rya Kaminuza Nkuru y'u Rwanda bakicwa, kuba umufatanyacyaha mu iyicwa ry'abantu 8 baguye mu Irango, ubufatanyaha mu iyicwa ry'abantu benshi baguye ahitwa ku Gateme i Cyarwa, yaregwaga kandi ubufatanyacyaha mu iyicwa rya KAYITESI Helena. Ibi byaha yabikoreye mu karere ka Huye. Bwana Safali yabanje kuburanishwa n'urukiko Gacaca rw'umurenge wa Cyarwa -cy'Imana nyuma yaho Bwana Safali asaba ko yahabwa inteko iturutse ahandi. Yaburanishijwe n'urukiko Gacaca rw'umurenge wa Kimironko mu Karere ka Gasabo ruburanishiriza aho ibyaha byakorewe. Yatangiye kuburana ibi byaha yaregwaga ahibereye ariko ageze hagati mu rubanza aratoroka, urubanza rusomwa adahari, ahamwa n'ibyaha, ku wa 06/06/2009 akatirwa igihano cy'igifungo cya burundu y'umwihariko giteganyirijwe abaregwa bo mu rwego rwa mbere banze kwirega no kwemera icyaha. Bwana Safali akaba yari umusenateri igihe yaburanishwaga. Urubanza rwe rwasakuje kubera ko yari Senateri igihe yatangiraga gukurikiranwa; yangaga kujya kuburana ibyo aregwa ashaka kugaragara

nk'uwahohotewe kubera urubanza rwe na Twagiramungu Barnabé washatse kumwica kuko yari umurwanashyaka w'igice cya MDR kidashyigikiye jenocide.

- **Urubanza rwa BYUMA François Xavier (Akarere ka Nyarugenge)**

Bwana BYUMA François Xavier yarezwe icyaha cyo kugambirira kwica umukobwa witwa BATAMURIZA n'ubwo umugambi we utagezweho. Ibimenyetso byatanze mu rubanza byagaragaje ko Bwana Byuma afatanyije n'izindi nterahamwe bashoreye Batamuriza Louise bakamujyana ku biro bya segiteri Biryogo bagambiriyemo kumenya koko niba ari umututsi ngo bamwica kuko yari yavuze ko ari muramu wa Konseye Amuri Karekezi utarahigwaga. Ku bw'amahirwe Konseye Karekezi yaje kwemeza ko ari muramu we arokoka atyo.

Iki cyaha cyo kugambirira kwica kabone n'iyi umugambi utagerwaho giteganyijwe mu ngingo ya 51 y'Itegeko Ngenga n° 16/2004 ryavuzwe haruguru rigenga Inkiko Gacaca ku baregwa bo mu rwego rwa kabiri, agace ka gatanu. Iki cyaha gihanishwa igihano cy'igifungo kiva ku myaka 15 kugeza ku myaka 19 ku baregwa banze kwirega no kwemera icyaha nk'uko biteganywa mu ngingo ya 73 y'iryo tegeko. Byuma kandi yaregwaga kuba yaragiye kwiga akanahabwa imbunda mu mutwe witwaraga gisirikare witwaga Irebero wayoborwaga na SIMBIZI Stanis wari Perezida wa CDR mu Biryogo ndetse no kuba kuri bariyeri.

Ku ntera ya mbere y'iburanisha, Bwana Byuma yaburanishijwe n'Urukiko Gacaca rw'Umurenge wa Biryogo, icyaha kiramuhama akatirwa igihano cy'igifungo cy'imyaka 19 ku wa 27/05/2007. Ku ntera y'ubujurire, yaburanishijwe n'Urukiko Gacaca rw'Ubujurire rwa Biryogo, nabwo icyaha kiramuhama akatirwa igihano cy'igifungo cy'imyaka 19 ku wa 18/08/2007.

Yasabye ko urubanza rwe rusubirwamo Inama Rusange y'Umurenge wa Biryogo iramwemerera dosiye ihabwa Urukiko Gacaca rw'Ubujurire rwa Rwikubo, Umurenge wa Kigabiro, Akarere ka Rwamagana, araburana nabwo icyaha kiramuhama akatirwa igihano cy'igifungo cy'imyaka 17 n'amezi 6.

Uru rubanza rwe rwakurikiranywe n'indorerenzi nyinshi zaba izo mu gihugu no hanze kandi Bwana Byuma yunganiwe na Me MUTEMBE Protais. Bwana Byuma yandikiye Urwego rw'Igihugu rushinzwe Inkiko

Gacaca asaba kurenganurwa narwo rumusubiza rumumenyesha ko imiburanishirize y'ububanza rwe yakurikije ibiteganywa n'amategeko.

Urubanza rwe rwasakuje kubera ko yakoze igihe kinini mu miryango iharanira uburenganzira bwa muntu nka LIPRODHOR, akaba kandi igihe yakurikiranwaga yari Visi Perezida wa LDGL ndetse akaba yari Perezida w'umuryango uharanira uburenganzira bw'umwana witwaga „Turengere umwana“, bityo imiryango bakoranaga y'uburenganzira bwa muntu nayo ikarushaho gukwirakwiza mu maraporo yayo n'imbuga za interineti zitandukanye urubanza rwe. Iyo miryango yagaragaza ko Byuma atahawe urubanza ruboneye ndetse kubera kubogama kwayo bakagaragaza ko ngo yakatiwe icyo gifungo cyavuzwe haruguru kubera gutunga imbunda gusa mu gihe cya jenocide nyamara hari ibindi byaha birengagije byamuhamye⁸². Twakwibutsa ko n'umwunganizi mu by'amategeko (avocat) wamwunganije wavuzwe haruguru yamusabiwe na Human Rights Watch agatangwa na ASF⁸³. Birababaje kuba Byuma ari umuntu wari usobanukiwe iby'uburenganzira bwa muntu nyamara akaba mu bahungabanyije uburenganzira bwa bagenzi be!

- **Urubanza rwa Musenyeri MUNYAGISAKA Philémon (Akarere ka Kicukiro)**

Mgr. MUNYAGISAKA Philemon yarezwe kujya mu nama zitegura ubwicanyi, gushishikariza urubyiruko gukora Jenocide, kujya “gukora” kuri bariyeri no kuba icyitso mu rupfu rw'umwana witwaga Kadenesi wishwe akuwe iwe. Dosiye ya Mgr. MUNYAGISAKA Philemon yakozwe n'Urukiko Gacaca rw'Akagari ka Kinunga kuko ibi byaha yabikoreye mu Karere ka Kicukiro, Umurenge wa Gikondo. Ku ntera ya mbere y'iburanisha, yaburanishijwe n'Urukiko Gacaca rw'Umurenge wa Gikondo ibyaha byavuzwe haruguru biramuhama uretse icyaha cyo kujya kuri bariyeri “gukora”. Urukiko rumaze kubona ko ibyaha byamuhamye harimo n'ibyo mu rwego rwa mbere, rwamukatiye igihano cy'igifungo cya Burundu y'umwihariko ku wa 15/08/2009.

Ku ntera y'ubujurire yaburanishijwe n'urukiko Gacaca rw'ubujurire rwa Kabare, Umurenge wa Muhazi mu Karere ka Rwamagana, Intara y'iburasirazuba kuko yari yandikiye Urwego rw'Igihugu rushinzwe Inkiko Gacaca asaba kuburanishwa n'inteko zitari izo mu fasi ya Gikondo. Kuri iyi ntera nabwo ahamwa n'ubufatanyacyaha mu rupfu rwa Kadenesi kuko ari we wakinguriye abamwishe bari baje

⁸² Reba Raporo ya *HRW* yavuzwe haruguru, urupapuro rwa 30.

⁸³ Reba muri iyi raporo ku rupapuro rwa 31.

bamwirukankanye. Yahamwe kandi n'icyaha cyo kujya mu nama zateguraga ibikorwa byo kwica Abatutsi mu Murenge wa Gikondo. Ajenda (*agenda/diary*) Musenyeri Munyagisaka yandikagamo ibyavugirwaga muri izo nama, kandi nawe yiyemerera ko ari iye, niyo yabaye ikimenyetso gihamya ko izo nama yazitabiraga. Musenyeri Munyagisaka yahamwe kandi n'icyaha cyo gushishikariza gukora Jenoside. Ibi byaha aregwa bikaba bimushyira mu rwego rwa mbere, agace ka 3 bikaba bihanishwa igihano cy'igifungo cya burundu y'umwihariko ku baregwa banze kwirega no kwemera icyaha nk'uko biteganywa mu ngingo ya 51 n'ya 72 z'Itegeko Ngenga ryavuzwe haruguru.

Musenyeri MUNYAGISAKA Philémon yanditse asaba ko urubanza rwe rusubirwamo Inama Rusange ya Gikondo irabisuzuma isanga impamvu yatanze zidahura n'ibyo amategeko asaba ngo urubanza rusubirwemo imusubiza imuhakanira. Nyuma yaho yandikiye Urwego rw'Igihugu rushinzwe Inkiko Gacaca asaba kurenganurwa narwo rusuzuma inyandiko ye rumusubiza rumumenyesha ko rwasanze imiburanishirize y'urubanza rwe yarakurikije ibiteganywa n'amategeko.

Urubanza rwe rwasakuye kubera yari umuyobozi mukuru w'Itorero ry'Abametodisiti mu Rwanda kandi akaba yarakunze kugaragaza ko urubanza rwe rushingiye ku bibazo byari muri iryo torero muri icyo gihe. Nyamara ariko amakuru amushinja kugira uruhare muri jenoside yatanze bwa mbere na Madamu Mukagahima Spéciose mu mwaka wa 2006 ubwo hashyingurwa abantu benshi bari baratabururwe mu cyobo kinini cyo ku rusengeri rw'Abametodisiti i Gikondo no mu gihe cy'ikusanyamakuru bikaba rero bidafitanye isano n'ibibazo byari muri iryo torero.

- **Urubanza rwa NIRERE Béatrice (Akarere ka Kicukiro)**

Madamu Nirere Béatrice yarezwe gutanga amabwiriza yo gushyiraho za bariyeri zaguyeho abantu, kugenzura za bariyeri no gushishikariza abandi gukora Jenoside, yarezwe kandi gutanga imidari na fulari abiha interahamwe ngo zibashe kumenyana mu bikorwa bya jenoside zakoraga. Ibi byaha byakorewe mu Karere ka Kicukiro, Umurenge wa Kanombe, Akagari ka Ayinsanga. Ku ntera ya mbere, Madamu Nirere Béatrice yaburanishijwe n'Urukiko Gacaca rw'Umurenge wa Gikondo. Ku ntera y'ubujurire Madamu Nirere Béatrice yasabye Urwego rw'Igihugu rushinzwe Inkiko Gacaca ko yaburanishwa n'inteko iturutse ahandi kugira ngo ahabwe ubutabera bunoze, maze aburanishwa n'urukiko Gacaca rw'ubujurire rwa Rwikubo, Umurenge wa Kigabiro, Akarere ka Rwamagana, Intara y'Uburasirazuba.

Madame Nirere Béatrice mu gihe cya Jenoside yari Superefe ushinze imibereho myiza mu cyahoze ari Perefegitura ya Byumba; ariko yari atuye mu Kagari ka Ayinsanga, mu Murenge wa Kanombe mu Muji ya

Kigali. Dosiye ye yabanje gushyikirizwa Urukiko Gacaca rw'Umurenge wa Kanombe rutangiye kuyiburanisha rasanga ibyaha yaregwaga bimushyira mu rwego rwa mbere ahindurirwa urwego bamushyira mu rwego rwa mbere kuko ibyaha yaregwaga ari ibyo mu rwego rwa mbere. Nyuma ya jenocide yakorewe Abatutsi ntiyigeze agaruka gutanga amakuru ku byaha bya jenocide byakorewe muri ako kagali yari atuyemo. Dosiye yahawe urukiko Gacaca rw'Umurenge wa Gikondo, Akarere ka Kicukiro bisabwe n'Inama Rusange y'Umurenge wa Kanombe kuko mu bafatanyacyaha be harimo abigeze kuba mu nyangamugayo z'Inkiko Gacaca muri uwo murenge bikaba byarashoboraga kubangamira ubwigenge bw'urukiko. Urukiko Gacaca rw'Umurenge wa Gikondo rwamuburanishije ku wa 28/02/2009 ahamwa n'ibyaha akatirwa igihano cy'igifungo cya burundu y'umwihariko giteganijwe ku baregwa bo mu rwego rwa mbere banze kwirega. Amaze gukatirwa yarajuriye kandi asaba ko yaburanishwa n'urukiko Gacaca ruturutse mu yindi fasi. Kuri iyi ntera yaburanishijwe n'Urukiko Gacaca rw'Ubujurire rwa Rwikubo, Umurenge wa Kigabiro, Akarere ka Rwamagana nabwo akatirwa igihano cy'igifungo cya Burundu y'umwihariko kuko ibimenyetso byatanze byagaragazaga ko yagize uruhare mu byaha byavuzwe haruguru. Yasabye ko urubanza rusubirwamo Inama Rusange y'umurenge wa Gikondo iramuhakanira kuko impamvu yatanze nta shingiro zari zifite.

Nyuma Madamu Nirere Béatrice yandikiye Urwego rw'igihugu rushinzwe Inkiko Gacaca asaba kurenganurwa dosiye ye igashyikirizwa ubushinjacyaha ngo kuko itari mu bubasha bw'Inkiko Gacaca rumusubiza rumumenyesha ko icyifuzo cye nta shingiro gifite kubera ko ibyaha yaregwaga biri mu bubasha bw'Inkiko Gacaca kandi ko ari zo zifite ububasha bwo kuburanisha abaregwa bari bari ku mwanya w'akazi wa Superefe yari ariho mu gihe cya jenocide.

Uru rubanza rwasakuje kubera ko yari umudepite mu Nteko Ishinga Amategeko mu gihe yakurikiranwaga akaba yaranabaye Superefe muri Perefegitura ya Byumba.

• Urubanza rwa MUKEZAMFURA Alfred (Akarere ka Nyarugenge)

Bwana MUKEZAMFURA Alfred yarezwe gushishikariza gukora Jenocide abinyujije mu kinyamakuru "IMVAHO" n'ubufatanyacyaha mu rupfu rwa SHABAKAKA wari umuturanyi we. Ku ntera ya mbere yaburanishijwe n'urukiko Gacaca rw'Umurenge wa Nyakabanda. Ku ntera y'ubujurire yaburanishijwe n'Urukiko Gacaca rw'Ubujurire rwa Nyakabanda.

Yaburanye ku ntera ya mbere adahari akatirwa igihano cy'igifungo cya burundu y'umwihariko nyuma aho amenyeye umwanzuro w'urukiko yarajuriye mu nyandiko agaragaza ko noneho azaboneka. Ku rwego

rw'ubujirire yaburanishijwe n'urukiko Gacaca rw'ubujirire rwa Nyakabanda rwamutumije inshuro 2 ataboneka ku nshuro ya gatatu rumuburanisha nk'udahari rushingiye ku ngingo ya 98 nabwo ahamwa n'ibyaha akatirwa igihano cy'igifungo cya burundu y'umwihariko.

Bwana Mukezamfura Alfred yari Perezida w'Umutwe w'Abadepite mu nteko Ishinga Amategeko igihe yakurikiranwaga kandi abantu benshi barimo abanyamakuru n'abadepite bagenzi be bakaba barakundaga kubaza impamvu ayobora Umutwe w'Abadepite kandi yarakekwagaho gukora jenocide. icyakora nanone, mu rwego rw'amategeko, umuntu wese afatwa nk'umwera igihe cyose urukiko rubifitiye ububasha rutaramuhamya icyaha ku buryo budasubirwaho. Twakwibutsa ko Bwana Mukezamfura yagiye ahamagarwa n'inkiko Gacaca mu gihe cy'ikusanyamakuru gutanga amakuru ku byaha yakekwagaho hanyuma mu gihe cy'iburanisha akaza kuburanishwa adahari kuko yanditse avuga ko yari yaragiye kwivuka hanze y'igihugu ariko ntiyagarutse.

. Urubanza rwa MBYARIYEHE Gabriel (Akarere ka Nyarugenge)

Bwana MBYARIYEHE Gabriel yari Konseya wa Segiteri Nyarugenge, Komini Nyarugenge muri Perefegitura y'Umujyi wa Kigali mu gihe cya jenocide. Yarezwe gusahura imitungo mu Karere ka Nyarugenge, Umurenge wa Nyarugenge, Akagari ka Quartier Commercial. Ku ntera ya mbere yaburanishijwe n'urukiko Gacaca rw'Akagari ka Quartier Commercial naho ku ntera yo gusubiramo urubanza yaburanishijwe n'urukiko Gacaca rw'ubujirire rwa Rwabutenge, Umurenge wa Gahanga, Akarere ka Kicukiro.

Bwana MBYARIYEHE Gabriel yarezwe ibyaha byo gusahura imitungo y'Abatutsi batotezwaga mu mwaka w'1990 ndetse n'indi myaka yakurikiyeho babita ibyitso by'inkotanyi. Igihe urubanza rwe rwaburanishwaga n'urukiko Gacaca rw'Akagari ka Quartier Commercial yaratsinzwe ategukwa kwishyura amafaranga angana na miliyoni magana inani na mirongo itatu n'ebiri, ibihumbi magana cyenda na mirongo cyenda n'icyenda na magana atatu na rimwe (832 999 301 Frw). Umwana we wari umuhagarariye ariwe Madamu MUKANTAGWERA Janvière asaba ko urubanza rusubirwamo biremerwa, Urwego rw'igihugu rushinzwe Inkiko Gacaca rumugenera Urukiko Gacaca rw'Ubuujirire rwa Rwabutenge. Urukiko rwasanze ibyaha aregwa bitamuhama kuko rwasanze imitungo y'Abatutsi bitwaga "ibyitso" yatejwe icyamunara n'ubuyobozi bwariho icyo gihe; rusanga kandi nyuma ya Jenocide yakorewe Abatutsi ba nyiri iyo mitungo barasabye ubuyobozi buriho ubu ko bakwishyurwa imitungo yabo yatejwe icyamunara n'ubutegetsi bwariho. Urukiko rumaze kubona inyandiko zigaragaraza ko iyo mitungo yabo leta yayibishyuye, rwafashe

icyemezo cyo guhanaguraho icyaha Bwana MBYARIYEHE Gabriel. Twakwibutsa ko uru rubanza rwa Mbyariyehe Gabriel rwaburanishijwe uregwa adahari kuko adafite aho abarizwa hazwi.

Urubanza rwe rwavuzweho cyane mu itangazamakuru kubera ko yaregwaga n'abacuruzi b'abanyemari bakomeye bo mu mujyi wa Kigali barimo RUMONGI Longin, RUHAMYAMBUGA Paul, KAYIHURA Claver, RWIGARA Assinapol, Madamu MUKABERA consolata (uhagarariye nyakwigendera RUTAGENGWA Costica wazize jenocide) na Madamu MUKAKIZIMA Anastasie (uhagarariye nyakwigendera MUNYAMPUNDU François nawe wazize jenocide) kandi bamuregaga gusahura ibintu bifite agaciro gahanitse cyane.

- **Urubanza rwa Padiri NDAGIJIMANA Joseph (Akarere ka Ruhango)**

Padiri NDAGIJIMANA Joseph, abarizwa mu Murenge wa Byimana, Akarere ka Ruhango aregwa kwitabira inama zinyuranye zo gutegura ubwicanyi bwakorewe muri Komimi Mukingi, ubufatanyacyaha na Bwana NTIYAMIRA wari Interahamwe nkuru ku rwego rwa Komini mu gushishikaza abaturage gukora Jenocide, aregwa kandi ubufatanyacyaha na Bwana RUTAYISIRE Jean Alias TAMBYA wamamaye mu bitero byishe abantu benshi, Padiri NDAGIJIMANA yarezwe kandi urupfu rw'abapadiri biciwe i Bukomero bavanywe i Kabgayi, ubwicanyi bwakorewe i Kabgayi no kwirukana Abatutsi bahungiyeye muri Paruwasi ya Byimana yari abereye Padiri mukuru.

Padiri Ndagijimana Joseph yabanje kuburanira ibi byaha mu nkiko zisanzwe. Ku ntera ya mbere, yaburanishijwe n'urukiko rwa Mbere rw'Iremezo rwa Gitarama, ibi byaha byose biramuhama urukiko rumukatira igihano cyo kwicwa

Hashingiwe ku ivugururwa ryo ku wa 19/05/2008 ry'Itegeko ngenga rigenga Inkiko Gacaca, dosiye ya Padiri Ndagijimana yoherejwe Urukiko Gacaca rw'Ubujurire rwa Kamusenyi. Urwo rukiko Gacaca rwaburanishije urwo rubanza mu buryo bufitse maze rumugira umwere.

Abahohotewe barimo Depite MUKAMUGEMA Alphonsine na Madamu MUKANSANGA Marguerite bahise basaba ko urwo rubanza rusubirwamo maze Inyangamugayo zigize Inama Rusange y'Umurenge wa Kamusenyi ziraterana zirabisuzuma zisanga urwo rubanza rukwiye gusubirwamo. Ku ntera yo gusubiramo, Padiri Ndagijimana yaburanishijwe n'Urukiko Gacaca rw'Ubujurire rwa Nyanza mu Karere ka Nyanza, ibyaha biramuhama ahanishwa igihano cy'igifungo cya burundu y'umwihariko. Urubanza rwe rwakunze kuvugwa cyane abantu batangazwa no kubona umuntu wari uzwi nk'uwihaye Imana akora ibyaha bya

jenocide bingana bityo dore ko yari yarakuyemo imyenda ye ya gipadiri agahitamo kujya yambara imyenda ya gisirikare yitwaza n'imbunda mu gihe cya jenocide!

- **Urubanza rwa NTAGANDA Bernard (Akarere ka Ruhango)**

Bwana NTAGANDA Bernard yarezwe kugira uruhare mu rupfu rwa MUGUNGA Bosco, urupfu rwa MUSONERA, NGENDAHIHANA Emmanuel na KAMBANDA Cassien, ibi byaha bikaba byarakorewe mu Murenge wa Kinazi, Akarere ka Ruhango. NTAGANDA Bernard yaburanishijwe n'urukiko Gacaca rw'Umurenge wa Kinazi agirwa umwere ku wa 04/12/2007 ntiyagira ujuririra icyo cyemezo. Yacyekwagaho kandi kugira uruhare mu byaha byo gusambanya ku gahato, icyakora uwahohotewe ntiyigeze abiregera.

Bwana Ntaganda Bernard n'ubwo yaburanishijwe n'urukiko Gacaca rw'Umurenge wa Kinazi akagirwa umwere, ntiyabuze gutangaza ko *"Abanyarwanda bazira uko basa muri Gacaca"*, yongeraho kandi ngo *"Gacaca ni agatsiko k'abahezanguni"* izi mvugo zihemba amacakubiri zikanangisha abaturage gahunda za Leta zikaba ziri mu byaha anakurikiranyweho n'ubushinjacyaha. Ibi biratangaje kuko icyo Gacaca asebya avuga ko irimo abahezanguni kandi ko umuntu azira gusa uko asa yaramuburanishije ubwe ikamugira umwere!

- **Urubanza rwa MUKARUBAYIZA Marie (Akarere ka Nyanza)**

Madamu MUKARUBAYIZA Marie yaregwaga kugambanira nyakwigendera MUKANTAGARA Félicité n'umwana we bari bihishe iwe mu gihe cya Jenocide bikabaviramo gupfa. Iki cyaha yakiburanishijwe n'urukiko Gacaca rw'Umurenge wa Muyira rumukatira igihano cy'igifungo cy'imyaka 19. Amaze gukatirwa yarajuriye, mu bujuriye aburanishwa n'urukiko Gacaca rw'Ubujurire rwa Muyira rumugira umwere kuko rwasanze nta bimenyetso bifatika bigaragaza uruhare rwe muri ibyo byaha yaregwaga.

Mu gihe cy'iburanisha ry'urwo rubanza ku ntera y'ubujurire, byagaragaye ko MUKANTAGARA Félicité yishwe n'abahungu babiri ba NYIRAMBIBI Languida aribo SENGORORE na BYAMAMANA. Mu gihe icyo cyaha cyaburanishwa, uwitwa SENGORORE yari yaritabye Imana naho BYAMAMANA we wari warafunguwe by'agateganyo n'itangazo rya Perezidansi ya Repubulika kuko yari yarireze akemera icyaha, yakomeje kwemera ko ari we n'umuvandimwe we SENGORORE bishe MUKANTAGARA kandi ko nta ruhare urwo ari rwo rwose MUKARUBAYIZA yabigizemo kuko yagaragaje ko we na mukuru we bari basanzwe bazi nyakwigendera bakaba kandi bari bamubonye aza kwihisha kwa MUKARUBAYIZA Mariya.

Uru rubanza rwavuzeho byinshi cyane cyane bitewe n'uko MUKARUBAYIZA Marie afite umuhungu w'umunyemari mu Muji wa Kigali witwa Bayingana Alexis ufite Hoteli ya Alfa Palace. Abamuregaga banze kuva ku izima bakavuga ko muri Gacaca hafungwa abakene gusa. Ibi ariko ugasanga atari byo kuko Inkiko Gacaca zakurikiranaga uwo ari we wese zifitiye ibimenyetso ukekwa kugira uruhare muri jenocide. Ku rundi ruhande ariko, abaregwa bifite nabo wasangaga bandikira Urwego rw'Igihugu rushinzwe Inkiko Gacaca bagaragazaga ko ababarega kugira uruhare muri jenocide bababeshyera babitewe n'ishyari babafitiye kubera imitungo yabo. Ibi byose rero ugasanga ari inzitwazo z'ababuranyi muri rusange kuko akenshi iyo umuntu yatsinzwe ahimba impamvu y'ikinyoma yihisha inyuma isobanura ko yarenganyijwe.

Uwahohotewe Madamu MUKANTARARUKA Gertrude yasabye Urwego rw'Igihugu rushinzwe Inkiko Gacaca ko rwakora iperereza kuri uru rubanza rugasubirwamo hashingiwe ku buhamya bwa Bwana SEMAHE Innocent wahamwe no kugira uruhare mu byaha bya Jenocide.

Nyuma yo gukurikirana icyo kibazo no gusuzuma ubuhamya bwa Bwana SEMAHE Innocent, Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwasanze ubuhamya bwe butashyingirwaho ngo urubanza rusubirwamo, kuko SEMAHE Innocent atagaragaza uruhare rwa MUKARUBAYIZA Marie mu iyicwa rya MUKANTAGARA Félicitée n'umukobwa we Kabudensiya. Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwasubije uwahohotewe mu nyandiko runamuka kopi y'ubuhamya bwa Bwana SEMAHE.

- **Urubanza rwa NSENGIYUMVA Laurent (Akarere ka Muhanga)**

Bwana Nsengiyumva Laurent yarezwe kugira uruhare mu byaha bya Jenocide byakorewe i Kabgayi mu Karere ka Muhanga ahari harahungiyeye impunzi nyinshi z'Abatutsi bari baturutse mu ma komini atandukanye. Uruhare rwe rushingiye ku cyaha cyo gukora urutonde rw'abarimu b'Abatutsi nabo bari barahungiyeye akabahamagara ababeshya ngo nibaze gusinya maze bahabwe umushahara wabo waje. Abigaragaje bese baje gusinya bahitaga bicwa. Ku ntera ya mbere y'iburanisha, yaburanishijwe n'Inteko y'umurenge wa Jabana, urukiko rwamuhamije icyaha kuko rwasanze yarakoresheje amashuri yari afite ngo agaragaze abagombaga kwicwa, rumuhanisha igifungo cy'imyaka 19. Amaze gukatirwa yarajuriye anasaba ko yahindurirwa inteko y'ubujurire kuko yari yihanywe Inyangamugayo zigize urukiko Gacaca rw'ubujurire rwa Jabana. icyifuzo cye cyarakiriwe, ahabwa urukiko Gacaca rw'Ubujurire rwa Kicukiro.

Mu gihe cy'iburanisha urukiko rwahamagaye urubanza inshuro eshatu zose abahohotewe banga kuburana kuko bari bihanywe Inyangamugayo zigize urwo rukiko, maze Urukiko Gacaca rw'Ubujurire rwa Kicukiro narwo rwandikira Urwego rw'Igihugu rushinzwe Inkiko Gacaca rusaba ko urwo rubanza rwahabwa urundi

rukiko rw'ubujurire kugira ngo abe ari rwo ruruburanisha. Urwego rw'igihugu rushinzwe Inkiko Gacaca rwahise rusaba Urukiko Gacaca rw'Ubujujire rwa Gisozi kuburanisha urwo rubanza. Igihe cyo kuruburanisha kigeze, Urukiko Gacaca rw'Ubujujire rwa Gisozi rwahamagaye abahohotewe, uregwa n'abatangabuhamya bose baritaba kandi bemera kuburana.

Mu iburanisha, Urukiko Gacaca rw'Ubujujire rwa Gisozi narwo rwasanze Bwana Nsengiyumva Laurent ahamwaga n'icyaha cyo gukora urutonde rw'abarimu b'Abatutsi bari i Kabgayi kugira ngo bicwe. Urukiko rumaze kubona uburemere bw'icyaha aregwa, rushingiye ku ngingo ya 92 y'Itegeko Ngenga rigenga Inkiko Gacaca, rwamuhinduriye urwego rumushyira mu rwego rwa mbere, agace ka 3 maze ku wa 06/12/2009 rumuhanisha igifungo cya burundu y'umwihariko rushingiye ku ngingo ya 72 y'Itegeko Ngenga rigenga Inkiko Gacaca. Nyuma yanditse asaba ko urubanza rwe rwasubirwamo maze Inama Rusange ihuriwemo Inyangamugayo zigize Inama Rusange ya Gihuma (aho icyaha cyakorewe), Urukiko Gacaca rw'Umurenge wa Jabana, Urukiko Gacaca rw'ubujurire rwa Kicukiro n'Urukiko Gacaca rw'ubujurire rwa Gisozi iraterana isuzuma ibaruwa ye isanga ingingo ashingiraho asaba gusubiramo urubanza rwe zidahura n'ibyo ingingo ya 93 iteganyaga ngo urubanza rusubirwemo, maze Inama Rusange imusubiza imuhakanira.

Urubanza rwe rwasakuye kuko nyirubwite yavugaga ko yari umufatanyacyaha wa Bwana Hategeka Augustin wigeze kuba Perefe wa Perefegitura ya Gitarama we akaba yaragizwe umwere akumva ko nawe yari akwiye kugirwa umwere. Ibi kandi byagiye bibaho mu nkiko Gacaca aho wasangaga abantu banyuranye baregwa kugira uruhare mu byaha bimwe cyangwa se byakorewe hamwe bamwe bagahamwa n'ibyaha abandi bakagirwa abere bitewe n'ibimenyetso bishinja cyangwa bishinjura byabaga byatanzwe. Ku birebana na Kiliziya ya Kabgayi ari n'aho ibyaha byakorewe, ubusanzwe Abanyarwanda bari bazi ko Ingoro y'Imana ari ahantu ho kubahwa kandi ko nta wayigana ngo ayiboneremo ibyago ko ahubwo ayiboneramo umugisha. No mu gihe cy'ubwicanyi no gutwikira Abatutsi muw'1959, abagerageje guhungira mu kiliziya abenshi bararokotse. Muw'1994 ho siko byagenze. Abatutsi benshi bibwiraga ko nibahungira mu kiliziya, mu nsengeru no mu zindi nzu z'Imana ko ntacyo bazaba. Ni cyo cyatumye abari baturije kiliziya ya Kabgayi bahahungiyeye baturutse mu makomini anyuranye yari ayikikije n'abandi babaga bahageze bahunga baturuka mu makomini ya kure⁸⁴. Abicanyi babakurikiye baturutse mu makomini baturutsemo babasanga ku kiliziya babiraramo babica ubutitsa bafatanyije n'abapolisi ba komini Nyamabuye, abasirikare n'abajandarume n'interahamwe.

⁸⁴ Nk'uko byagaragaye mu ikusanyamakuru ry'inyongera ryakorewe ku Kiliziya ya Kabgayi, abahahungiyeye bari baturutse mu makomini hafi ya ayose ya Perefegitura ya Gitarama hiyongereyeho n'abandi baturutse muri Komini Kibirira, Satinsyi, Kivumu, Birambo, Butamwa, n'ahandi.

Ubwicanyi bwakorewe ku kiliziya no mu zindi nzu z'Imana akenshi wasangaga bwabaga bwakozwe mu bufatanye n'ababaga bayobora izo nzu z'Imana. Aha twavugaga nka Padiri SEROMBA Athanase wayoboraga Paruwase ya Nyange wafatanyije n'abacanyi gutsemba Abatutsi bari barahungiyeye muri icyo Kiliziya ndetse akanatega ko icyo kiliziya bayisenyera ku batutsi bari bayirimo maze abantu barenga ibihumbi bibiri (2000) bese bayitikiramo hakoreshejwe ikimodoka cya tingatinga. Ubwo bwicanyi bwakorewe Abatutsi bari bahungiyeye kuri kiliziya ya Nyange bwakozwe na Padiri Seromba afatanyije na Burugumesitiri Ndahimana Grégoire wa Komini Kivumu, interahamwe n'abandi bacanyi. Abo bombi bakababakatiye n'Urukiko Mpuzamahanga Mpanabyaha rwashyirwemo u Rwanda rukorera Arusha muri Tanzania.

- **Urubanza rwa HATEGEKA Augustin (Akarere ka Muhanga)**

Bwana HATEGEKA Augustin yareguye ubufatanyacyaha mu bwicanyi bwakorewe abarimu b'Abatutsi bari bahungiyeye i Kabgayi no kuja kuri bariyeri yari imbere y'urugo rwe ruri mu Ruvumera mu Murenge wa Nyamabuye. Kuri icyo cyaha cya mbere, uruhare rwe rushinye ku cyaha cyo gukora urutonde rw'abo barimu b'Abatutsi akuraha abacanyi bakababakurira bababeshya ngo nibaze gusinya maze bahabwe umushahara wabo waje. Abigaragaye bese baje gusinya bahitaga babica.

Iki cyaha cya mbere yakuburanye bwa mbere mu rukiko Gacaca rw'Umurenge wa Jabana kiramuhama, maze akatirwa igihano cy'igifungo cya burundu y'umwihariko ku wa 08/07/2009. Yahise ajurira ariko yihana abigize inteko y'Ubujurire ya Jabana, yandikira Urwego rw'Igihugu rushinzwe Inkiko Gacaca asaba ko yahabwa indi nteko. Perezida w'iyi nteko yihanwe nawe ashinye ku ngingo ya 23 y'itegeko ngenga ryavuzwe haruguru, yabimenyesheje Urwego rw'Igihugu rushinzwe Inkiko Gacaca kugira ngo rugene urundi rukiko runganya ububasha narwo ngo ruzaburanishe icyo dosiye.

Urwego rw'Igihugu rushinzwe Inkiko Gacaca rushinye kuri icyi ngingo yavuzwe haruguru n'icya 50 z'itegeko rigenga Inkiko Gacaca rwasabye Urukiko Gacaca rw'Ubujurire rwa Kicukiro kuburanisha urwo rubanza. Ku ntera y'ubujurire, Urukiko Gacaca rw'Ubujurire rwa Kicukiro rwasanze nta bimeyetso simusiga bigaragaza ko ari we waba warakozwe urwo rutonde akanaruhira abacanyi kuko habuze umutangabuhamya ubyemeza; bityo, ku wa 25/08/2009, urukiko rumugira umwera kuri ibyo byaha yari akurikiranyweho. Nyuma abahohotewe banditse basaba ko urubanza rwe rwasubirwamo maze Inama Rusange ihuriwemo n'Inyangamugayo zigize Inama Rusange ya Gihuma (aho icyaha cyakorewe), Urukiko Gacaca

rw'Umurenge wa Jabana n'Urukiko Gacaca rw'Ubujurire rwa Kicukiro baraterana barabisuzuma basanga ibyo basabye nta shingiro bifite Inama Rusange ibasubiza ibahakanira. Ku birebana n'icyaha cyo kuja kuri bariyeri yo mu Ruvumera, yakiburanye mu Rukiko Gacaca rw'Umurenge wa Gahogo aba umwere ntihagira ujurira. Urubanza rwe rwasakuye mu bitangazamakuru ahanini kuko yari umuntu uzwi cyane mu Karere ka Muhanga kuko yabaye perefere wa Perefegitura ya Gitarama.

- **Urubanza rwa Dr NIYITEGEKA Théoneste (Akarere ka Muhanga)**

Dr NIYITEGEKA Théoneste yaregwaga ubufatanyacyaha mu byaha bya Jenocide yakorewe mu bitaro by'i Kabgayi mu Karere ka Muhanga mu mwaka w' 1994, by'umwihariko abarwayi bari mu cyumba cy'imbagwa (salle 3) yari ashinzwe bicwaga by'agashinyaguro. Uruhare rwe rugaragara mu gikorwa cyo kugaragaza no gutanga abarwayi b'Abatutsi, ibitanda byabo byashyirwagaho ikimenyetso kugira ngo bize korohera abicanyi kubatandukanya n'abandi barwayi. Umuganga w'umubiligi (Dr LE GRAND) wasimbuwe na Dr Niyitegeka muri icyo cyumba we yabonye ibihakorerwa agerageza kubirwanya ariko abicanyi bamurusha imbaraga, baranamukubita ahitamo gahunga yisubirira iwabo mu Bubiligi.

Ku ntera ya mbere y'iburanisha, urukiko Gacaca rw'umurenge wa Gihuma rwamugize umwere ku wa 30/10/2007, abahohotewe barajurira. Mu bujurire yaburanishijwe n'urukiko Gacaca rw'Ubujurire rwa Gihuma, ibyaha biramuhama akatirwa igihano cy'igifungo cy'imyaka 15. Dr NIYITEGEKA yandikiye Inama Rusange y'Umurenge wa Gihuma asaba ko urubanza rwe rusubirwamo, irabisuzuma isanga nta shingiro bifite, ishingiyeye ku biteganyijwe mu ngingo ya 93 y'Itegeko Ngenga n° 16/2004 ryavuzwe haruguru, imusubiza imuhahakanira.

Urubanza rwe rwavuzwe mu bitangazamakuru bitandukanye kubera ko Bwana Niyitegeka Théoneste yashakaga kuziyamamariza umwanya w'Umukuru w'Igihugu akaba yaratangazaga ku maradiyo no mu binyamakuru bitandukanye ko iyo ariyo mpamvu akurikiranywe mu Nkiko Gacaca hagamijwe kuburizamo uwo mugambi we. Nk'uko twabisobanuye haruguru, Dr Niyitegeka yakurikiranwe ku ruhare rwe mu byaha bya jenocide yagizemo uruhare nta sano bifitanye n'uwo mugambi yari afite wo kuziyamamariza umwanya w'umukuru w'Igihugu. Byongeye kandi kuba umuntu afite umugambi wo kuzahatanira umwanya runaka mu buyobozi, ntibayaba impamvu yatuma atabazwa ibyaha yaba yarakoze.

- **Urubanza rwa Pasitori NTIHANABAYO Peday (Akarere ka Muhanga)**

Pasitori NTIHANABAYO Peday aregwa kugira uruhare mu iyicwa ry'umusore witwaga MPUMUJE Eliézaire babanaga mu rugo iwe mu gihe cya jenocide ndetse na mbere yaho bakaba kandi bombi barasenganaga mu itorero ry'abadivantisiti b'umunsi wa karindwi.

Mu gihe cy'ikusanyamakuru, yaba Pasitori NTIHANABAYO cyangwa se umukozi we wo mu rugo witwaga RUZINDANA Esdras ntawigeze atanga amakuru ku rupfu rwa MPUMUJE kandi barabanaga nawe. Abo mu muryango wa nyakwigendera nabo babonye ko Pasitori n'umukozi we babihishira kandi babizi, biyambaza inkiko Gacaca. Pasitori Peday yaburanishijwe bwa mbere kuri iki cyaha mu Rukiko Gacaca rw'Umurenge wa Gahogo agirwa umweme; maze abahohotewe mu rubanza barajurira.

Ku ntera y'ubujurire, Pasitori NTIHANABAYO yaburanishijwe n'Urukiko Gacaca rw'Ubujurire rwa Gahogo maze abazwa gusobanura iby'urupfu rwa MPUMUJE babanaga akavuga ko byabazwa umukozi we wo mu rugo, umukozi nawe yabibazwa akavuga ko Mpumuje yishwe adahari ko byabazwa Pasitori Peday bagakomeza kwitana ba mwana bagamije kuyobya urukiko. Igitangaje ni uko umubiri wa nyakwigendera watabururwe imbere y'umuryango w'inzu ya Pasitori Ntihanabayo nk'uko abatangabuhamya bamushinjaga bari babigaragaje. Mbere y'uko bajya gushaka umurambo wo nyakwigendera, Pasitori Peday yabanye kuvuga ko n'yo uwo mubiri bawusangamo ngo waba ari uw'impunzi yaba yarahiciwe ihunga, kandi atarabonye yicwa cyangwa se ngo abe yarabitanzeho amakuru mbere, akabivuga haciye imyaka 16 yose. Abaturage bacukuye bamusangamo yambaye imyenda abavandimwe be n'abandi bari bamuzi bari bavuze ko yakundaga kwambara. Ibi byatumye abantu benshi mu bahohotewe bari baje gukurikirana urubanza bafatwa n'ikibazo cy'ihungabana rikomeye.

Pasitori Peday yaranzwe no kwivuguruza mu rubanza aho yavugaga ko nawe yahigwaga, yabazwa uwamuhigaga ntamugaragaze ngo yerekane n'ibimenyetso bibihamya, kuvuga ko nyakwigendera yishwe adahari bikaza kugararagara mu rubanza ko yari ahari, n'ibindi. Kuri iyi ntera y'ubujurire, uru rubanza rwaburanishijwe iminsi itanu kuva ku wa 11, 12, 15-17 Gashyantare 2010; abaturanyi bombi bahabwa umwanya usesuye, abatangabuhamya babo nabo bahabwa umwanya ndetse n'abaturage muri rusange bari bagiye gukurikirana urwo rubanza. Ku wa 17/02/2010, Inteko ishingiyeye ku bimenyetso byatanze mu rubanza yamuhamije icyaha imuhanisha igifungo cya burundu y'umwihariko nk'uko biteganyijwe mu ngingo ya 51 n'ya 72 y'itegeko ngenga rigenga Inkiko Gacaca kuko mu gihe cya Jenocide yari Umuyobozi mu Idini

ry'Abadiventisiti b'umunsi wa karindwi ku rwego rwa Komini, bityo akaba ari mu rwego rwa mbere. Uregwa yandikiye Inama Rusange y'Umurenge wa Gahogo asaba ko urubanza rwe rusubirwamo, maze Inama Rusange iteranye irabisuzuma isanga nta shingiro, imwandikira imuhakanira.

Ku birebana na Bwana RUZINDANA Esdras wari umukozi wo mu rugo rwa Pasitori NTIHANABAYO nawe urukiko Gacaca rw'Ubujurire rwa Gahogo rwamuhamije icyo cyaha rumukatira igihano cy'igifungo cy'imyaka 19.

Uru rubanza rwavuzweho cyane mu bitangazamakuru bitewe n'uko Pasitori NTIHANABAYO Peday yari ashyigikiwe n'ubuyobozi bw'Itorero ry'Abadivantisiti b'Umunsi wa karindwi. Byongeye kandi, n'abo mu muryango we bagejeje ikibazo cye mu nzego zitandukanye za Leta bagaragaza ko yaba yararenganye ariko mu by'ukuri urubanza rwe rwakurikije amategako.

- **Urubanza rwa MUHIRE Simon (Akarere ka Nyagatare)**

Bwana Muhire Simon yaregwaga kugambanira Abatutsi avuga ko ari ibyitso by'Inkotanyi bikabaviramo gupfa. Abishwe ni GATERA, GATSINZI na NTAGANDA. Yaregwaga kandi kwitwara gisirikare no kuba icyitso mu cyaha cyo gusambanya ku gahato abagore b'Abatutsikazi abatungira agatoki Colonel Nsabimana Deogratias Castal. Ibi byaha byakorewe mu kagari ka Nyagatare I na Nyagatare ya II mu murenge wa Nyagatare mu Karere ka Nyagatare.

Nyuma yo kubona amakimbirane uru rubanza rwateje mu nyangamugayo zo mu nkiko Gacaca z'Umurenge wa Nyagatare, Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwafashe icyemezo cyo gushaka inteko ziturutse mu zindi fasi ngo abe arizo ziruburanisha hagamijwe kubungabunga amahame aranga urubanza ruboneye. Ni muri urwo rwego, ibi byaha yabiburanye ku ntera ya mbere mu Rukiko Gacaca rw'umurenge wa Gakenke mu Karere ka Gatsibo ahamwa n'icyaha akatirwa igihano cy'igifungo cya burundu y'umwihariko. Mu bujurire Bwana Muhire Simon yaburanishijwe n'urukiko Gacaca rw'Ubujurire rwa Gakenke ahamwa n'ibindi byaha uretse kuba icyitso ku byaha byo gusambanya ku gahato akatirwa igihano cy'igifungo cy'imyaka 19. Uregwa yaje gusaba ko urubanza rwe rusubirwamo agaragaza ko hari abatangabuhamya be batumviswe (kandi yari yabisabye) barimo n'abahoze ari abasirikare mu ngabo zatsinzwe bakoreraga i Nyagatare, hemezwa ko urubanza rusubirwamo abatangabuhamya yatanze bose bakumvwa.

Dosiye ye yashyikirijwe Urukiko Gacaca rw'Uburundi rwa Rwigyira mu Murenge wa Kigabiro, uru rukiko rwamuburanishije narwo rusanga nta ruhare yagize mu byaha byo gusambanya ku gahato, rumuhamya ibindi byaha byavuzwe haruguru ahanishwa igihano cy'igifungo cy'imyaka 19. Bwana Muhire yakomeje kwandikira Urwego rw'Igihugu rushinzwe Inkiko Gacaca arugezaho ibimenyetso bishya bigaragaza ko yahaniwe ibyaha byakozwe n'abasirikare bo mu ngabo zatsinzwe kandi uburyozwacyaha ari gatozi. Yagaragaje ko abo bantu bavuzwe haruguru bishwe n'abasirikare bo mu ngabo zatsinzwe.

Urwego rw'Igihugu rushinzwe Inkiko Gacaca rumaze kwakira ikibazo cye rwasabye Urukiko Gacaca rw'Uburundi rwa Cyahafi mu Karere ka Nyarugenge gusuzuma ishingiro ry'ibisobanuro n'ibimenyetso bishya uregwa yari yatanze. Urukiko Gacaca rw'Uburundi rwa Cyahafi rumaze gusuzuma uru rubanza rwasanze nta bimenyetso bifatika bigaragaza uruhare rudashidikanywaho rwa Bwana Muhire mu icywa ry'Abatutsi bavuzwe haruguru kuko rwasanze ibyari byashingiweho mbere akatirwa byarimo ugukeka ko ari we waba yarabagambaniye ngo kuko mbere y'uko bicwa yari yaravuze ngo „abo batutsi ni bo baduteza inyenzi“. Urukiko rwasanze abo bantu barishwe koko n'abasirikare bo mu ngabo zatsinzwe, rusanga nta muntu n'umwe waba yariboneye Bwana Muhire ajya kugambanira abo bantu kuri abo basirikare babishe cyangwa se ngo agaragaze mu buryo bufututse urundi ruhare rwe mu icywa ryabo. Rumaze kubona uko gukeka kwagaragaye ku ruhare rwe mu kwicisha abo bantu, rwamugize umwere kuko bisanzwe bizwi ko igihe habayeho gushidikanya uregwa ariwe ubyangukiramo *“le doute profite au prevenu”*.

Ku birebana n'icyaha cyo kwitwara gisirikare Bwana Muhire yagaragarije urukiko ko icyo cyaha aregwa gishingiye ku ikoti rya gisirikare yambaye ubwo yari amaze guterwa agahungira mu basirikare yambaye ubusa akaba aribo bamutiza iryo kote akaribasubiza bukeye. Urukiko rumaze gusanga nta cyaha yaba yakoze yifashishije uwo mwambaro wa gisirikare rwamugize umwere kuko nk'uko byavuzwe haruguru umuntu wahawe ibikoresho bya gisirikare ntagire icyaha abikoresha ntabyozwa mu nkiko Gacaca. Abahohotewe bandikiye Urwego rw'Igihugu rushinzwe Inkiko Gacaca bagaragaza ko batishimiye uwo mwanzuro, rubasubiza rubasobanurira ko urwo rubanza rwaciye mu buryo bwubahirije amategako. Urubanza rwaburanishijwe abaturanyi bose bahari kandi bitewe n'ukuntu rwari rwavuzweho byinshi byatumye rukurikiranwa n'abantu n'inzego zinyuranye. Muri bo twavugaga Intumwa ya Komisiyo y'Igihugu y'Uburenganzira bwa Muntu, Intumwa ya NSS, Intumwa y'Akarere ka Nyagatare, Intumwa y'Urwego rw'Igihugu rushinzwe Inkiko Gacaca n'abahagarariye inzego z'umutekano mu Karere ka Nyagatare.

- **Urubanza rwa RWABYANGA Kizito Gasatura (Akarere ka Nyagatare)**

Bwana Rwabyanga Kizito Gasatura aregwa ubufatanyacyaha mu iyicwa ry'abantu bakurikira: KAZERWA, NYAGATOMA, KAJUGUJUGU, MUSHAYIJA, na GASATSI afatanyije n'abasirikare bo mu ngabo zatsinzwe no gusahura inka bari baragiye. Ibi byaha byakorewe mu Kagari ka Rukorota mu Murenge wa Nyagatare mu Karere ka Nyagatare. Dosiye ya Rwabyanga Kizito yakozwe n'Urukiko rw'akagari ka Rukorota ashinjwa n'umwe mu barokotse ubwo bwicanyi.

Uwo mutangabuhamyaye yavuze ko KIZITO yazanye n'abasirikare babasanga aho bari baragiye inka babaza niba ari Abatutsi, KIZITO aravugaga ati "aba bana ndabaza ni ab'Abatutsi ni mushorere inyana z'imbwa". Ubwo abasirikare bahise babatwarana n'inka zabo babagejeje i Nyagatare mu kigo cya gisirikare bahasanga MUSHAYIJA na GASATSI (nabo bahigwaga) babajyanana nabo ku muvumba ari naho babasogoteye ibyuma babata mu muvumba. icyakora umwe muri abo bana yabashije kubaho n'ubwo bari bamutaye mu muvumba bibwira ko nawe yapfuye. Dosiye ye yaburanishijwe bwa mbere n'Urukiko Gacaca rw'Umurenge wa Rwempasha ahamwe n'icyaha akatirwa igihano cy'igifungo cy'imyaka 28.

Bwana Kizito yahise ajurira, aburanishwa n'urukiko Gacaca rw'Ubujurire rwa Rwempasha nabwo ibyaha biramuhama akatirwa igihano cy'igifungo cy'imyaka 30 no kwishyura amafaranga angana na 71.700.000 yo kwishyura izo nka zasahuwe. Bwana Kizito yandikiye Urwego rw'Igihugu rushinzwe Inkiko Gacaca n'izindi nzego zitandukanye asaba kurenganurwa agaragaza ko nawe yari umututsi akaba atari bwifatanye n'abicyanyi kandi nawe yarahigwaga. Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwamushubije rumusaba kwakira umwanzuro yafatiwe n'Urukiko Gacaca rw'Ubujurire rwa Rwempasha kuko rwasanze, n'ubwo nawe agaragaza ko yari mu bwoko bw'Abatutsi bwahigwaga, yarifatanyije n'abicyanyi nk'uko byagaragajwe n'ubuhamyaye bwatanzwe mu rubanza rwe. Twakwibutsa ko nk'uko twabivuze haruguru, umuntu wese wagize uruhare muri Jenoside akurikiranwa ku byaha yakoze hatitawe ku bwoko bwe.

- **Urubanza rwa Padiri Nturiye Edouard Alias Simba (Akarere ka Rubavu)**

Padiri Nturiye Edouard bakunze kwita Simba yabanje kuburanishwa ibyaha bya Jenoside n'inkiko zisanzwe mbere y'uko aburanishwa n'Inkiko Gacaca. Urukiko rwa Mbere rw'Iremezo rwa Kibuye rwamuburanishije ku cyaha cyo kuba icyitso mu bwicanyi bwahitanye Abatutsi barenga 60 bari bahungiyeye muri seminari nto

ya Nyundo rusanga ahamwa n'icyaha akatirwa igihano cyo kwicwa. Padiri Nturiye yarajuriye, aburanishwa n'Urukiko rw'Ubujurire rwa Ruhengeri rumugira umwere.

Nyuma yaho haje kubaho ikusanyamakuru rishya ashinjwa ibyaha bishya byo kugaba ibitero mu ngo z'Abatutsi afatanije na Bwana Byago, Jovani n'uwahoze ari konseye wa Segiteri ya Nyundo. Ibyo bitero byavanaga abahigwaga mu ngo babaga bihishemo bakajya kubica, ubufatanyacyaha mu iyicwa ry'ababikira biciwe ahitwaga kuri "commune rouge" ubu ni mu murenge wa Gisenyi mu Karere ka Rubavu, kugenzura no kuyobora ibikorwa bya Jenocide.

Ibi byaha yabiburanishijwe ku ntera ya mbere n'Urukiko Gacaca rw'Umurenge wa Kimironko rwo mu Karere ka Gasabo biramuhama akatirwa igihano cy'igifungo cya burundu y'umwihariko. Ku rwego rw'ubujurire, yaburanishijwe n'Urukiko Gacaca rw'Ubujurire rwa Kimironko nabwo ahamwa n'ibyo byaha akatirwa igihano cy'igifungo cya burundu y'umwihariko giteganyirijwe abaregwa bo mu rwego rwa mbere agace ka 3 batireze. Padiri Nturiye yakunze kwandika agaragaza ko Inkiko Gacaca zamuburanishije ibyaha yari yaraburaniye mu nkiko zisanzwe ariko ntabwo aribyo kuko ibi byaha atari yarabiburanye nk'uko bigaragara muri matolewo (*copie de jugement*) yaburaniyeho mu nkiko zisanzwe zavuzwe haruguru.

- **Urubanza rwa NYAGASAZA Mathias (Akarere ka Nyabihu)**

Bwana Nyagasaza Mathias uvuka mu Murenge wa Karago mu Karere ka Nyabihu yaregwaga gushishikariza abaturage gukora Jenocide, kugenzura no kuyobora Jenocide harimo gushyiraho amabariyeri no kuyayobora, kwica no gutwikisha amazu y'abahigwaga. Ibi byaha byakorewe mu ntara y'iburengerazuba mu karere ka Nyabihu mu murenge wa Shyira, mu murenge wa Karago no mu murenge wa Jenda ndetse no mu murenge wa Gisenyi wo mu Karere ka Rubavu.

Abamushinjaga bagaragazaga inama nyinshi yakoreshega interahamwe azishishikariza kwica abahigwaga mu mvugo igira iti " *mugomba kwica inda n'umugi* " aho abamushinja bavugaga ko yashakaga kuvuga ngo bice abatutsi bose badatoranyije, nta n'umwe bababariye baba abasaza, abakecuru, abato n'impinja kugira ngo batsembeho burundu umututsi. Aregwa kandi ko yatanze amabwiriza yo gukusanyiriza hamwe abatutsi bo muri Komini Karago yavukagamo bakusanyirizwa ku cyahoze ari ibiro bya komini Karago baricwa n'amazu yabo atwikishwa "essence" yari yatanze na NYAGASAZA ubwe.

Muri iyi mirenge yose aregwa ari wenyine uretse mu ifasi ya Nanga mu murenge wa Karago aregwa hamwe na NTARWANDA, NGORORA Pierre, RUKATO, MUTANGANA, HABYALIMANA, TWAGIRAYEZU na SEBATASHYI Bernard. Mu murenge wa Shyira, yaburanishijwe n'Urukiko Gacaca rw'Umurenge wa Shyira rumugira umwere. Mu murenge wa Karago ibyo byaha byaramuhamye, Urukiko Gacaca rw'Umurenge wa Kabaya (rwo mu Karere ka Musanze) rumukatira igihano cy'igifungo cya burundu y'umwihariko. Mu murenge wa Jenda, yaburanishijwe ku ntera ya mbere n'Urukiko Gacaca rw'Umurenge wa Remera (rwo mu Karere ka Gasabo) rumukatira igihano cy'igifungo cy'imyaka 19. Bwana Nyagasaza yajuririye icyo cyemezo, maze urukiko Gacaca rw'Ubujurire rwa Remera rumukatira igihano cy'igifungo cy'imyaka 19.

Bwana NYAGASAZA Mathias yandikiye Urwego rw'Igihugu rushinzwe Inkiko Gacaca asaba kurenganuruwa narwo rusaba Urukiko Gacaca rw'Ubujurire rwa Muhoza gusubiramo urwo rubanza, mu gihe yari ategereje kuburana, Bwana NYAGASAZA Mathias yahise yitaba Imana, dosiye ye irashyingurwa. Urubanza rwe rwavuzweho byinshi bitewe n'uko abahohotewe bakimara kumenya ko urwo rubanza ruzasubirwamo bagarageje kubitambamira bandikira inzego zinyuranye za Leta n'ubuyobozi bwa Ibuka ndetse babishyira no mu bitangazamakuru binyuranye bavuga ko batizeye ko bazahabwa ubutabera bunozwe bitewe n'uko ngo uwo Nyagasaza yari umuntu w'umunyemari ngo wanagiye agerageza guha ruswa bamwe mu bahohotewe ngo bivuguruzwe ku buhamya batanze bakamubera ibamba. Bwana Nyagasaza Mathias akaba yarigeze kuba mu buyobozi bw'Ishyamba rya MRND ryari ku butegetsi mu gihe cya jenocide muri Perefegitura ya Gisenyi.

- **Urubanza rwa WAZIRI Salumu (Akarere ka Rusizi)**

Bwana WAZIRI Salumu mwene Waziri Kimputu wo mu Murenge wa Kamembe mu Karere ka Rusizi yarezwe gutera inkunga umutwe witwaraga gisirikare w'Interahamwe z'Ishyamba rya MRND mu Murenge wa Kamembe n'uwa Mururu mu Karere ka Rusizi. Abamutanzeho amakuru bagaragazaga ko nawe yaba yarateye inkunga abicanyi abaha ibitenge badodeshagamo imyambaro yabo (uniform). Mu Murenge wa Kamembe, Urukiko Gacaca rw'Umurenge wa Kamembe rwamuburanishije adahari, rwasanze ibi bitenge yari asanzwe abicuruza n'abandi baturage ngo bakaba barabiguraga bakabidodeshamo imyambaro, rusanga kandi atarabibaheraga ubuntu ahubwo barabiguraga. Bityo, urukiko Gacaca rwa Kamembe rwanzura ko nta mugambi wa Jenocide yabikoranye, rumugira umwere ntihagira ujurira icyo cyemezo.

Mu Murenge wa Mururu naho yarezwe gutera inkunga Interahamwe zo muri uwo murenge aziha ibitenge zambaraga zigiye mu bwicanyi. Muri uwo murenge ho abahawe ibyo bitenge nibo bagaragaje ko yabibahaga nta kiguzi ari mu rwego rwo kubatera inkunga mu bwicanyi; bityo Urukiko Gacaca rw'Umurenge rumukatira igihano cy'igifungo cy'imyaka 30 adahari. Dosiye ye yasakuye mu Murenge wa Kamembe kuko yaburanishijwe adahari akagirwa umwere akaba kandi yari umucuruzi uzwi muri Kamembe, bivugwa ko yaba aba mu burayi.

- **Urubanza rwa BIZIMANA Japhet alias Kimararungu (Akarere ka Gasabo)**

Bwana BIZIMANA Japhet alias KIMARARUNGU afite ubwenegihugu bw'Uburundi ariko yabaga mu Rwanda mu karere ka Gasabo mu murenge wa Remera, mu kagari ka Rukiri I mu gihe cya jenocide yakorewe Abatutsi muw'1994. Aregwa gushishikariza abaturage gukora jenocide, kugenzura ibikorwa bya jenocide byishe abantu bikanangiza umutungo no gusahura no kwangiza imitungo y'abantu barimo NYAMUTERA, BARAHIRA, MUSANIWABO, NKUBIRI, MUGESERAKAZI, IBAMBASI na GASANA.

Ibi birego byatanze mu bihe 2 bitandukanye bityo binaburanishwa mu bihe bitandukanye n'urukiko Gacaca rw'umurenge wa Remera. Bwana Bizimana Japhet yaburanishijwe adahari kuko yahamagawe nk'udafite ahagarizwa hazwi mu Rwanda nk'uko biteganywa mu ngingo ya 98 n'ya 99 z'itegeko ngenga rigenga Inkiko Gacaca. Mu rubanza rwa mbere TWAHIRWA Jean Bosco yareze BIZIMANA Japhet icyaha cyo gushishikariza abaturage gukora jenocide no kugenzura ibikorwa bya jenocide byishe abantu bikanangiza umutungo. Uru rubanza rwatumijwe inshuro eshatu, umuburanyi ntiyitaba, ruraburanishwa, rusomwa ku wa 21/02/2009. Muri uru rubanza kandi urega ntiyigeze agaragaza umutungo wasahuwe. Nyuma yo gusuzuma ikirego no kumva ubuhamya bw'abatangabuhamya, urukiko rwasanze ibyaha bitamuhama maze ibyo birego abigirwaho umwere.

Ku itariki ya 15/11/2009, abahohotewe barimo BARAHIRA, NYAMUTERA, MUSANIWABO, NKUBIRI, MUGESERAKAZI, IBAMBASI na GASANA ubwabo bareze BIZIMANA Japhet alias KIMARARUNGU gusahura no kwangiza imitungo yabo no gushishikariza abaturage gukora jenocide, kugenzura no kuyobora ibikorwa bya jenocide. Kimwe n'urubanza rwa mbere, uru rubanza rwahamagajwe mu buryo buteganyijwe mu ngingo zavuzwe haruguru zerekeye abaregwa badafite aho babarizwa hazwi mu Rwanda. icyaha cyo gusahura umutungo w'abo twavuze haruguru BIZIMANA Japhet yakirezwe hamwe n'abafatanyacyaha be ari bo NTABAHWANA Alphonse, HAGUMIMANA Dominique, NKIRARWINSHI

Ladislav, KABONABAKE Thomas, BAKUZAKUNDI Michel, MUKURARINDA Mathias na TWAGIRAMUNGU Thomas. Abatangabuhama bashinje barimo HABİYAREMYE Assiel wari umuzamu wa NTABAHWANA Alphonse nawe uregwa ibi byaha byo kwangiza umutungo (ubu afungiyeye muri gereza ya Remera), KAREGEYA Ignace na MUJAWAMALIRIYA bombi bari abaturanyi ba BIZIMANA Japhet.

Nyuma yo gusuzuma ibyo birego no kumva abatangabuhama, urukiko Gacaca rw'umurenge wa Remera rwasanze ibyaha byo kwangiza no gusahura imitungo irimo amazu n'ibyari biyari bihama abaregwa maze rubatega kuriha buri wese amafaranga angana na miliyoni makumyabiri n'enyere n'ibihumbi magana abiri na bitatu magana arindwi na mirongo itanu y'u Rwanda (24, 203, 750 frw) ruhanisha kandi BIZIMANA Japhet Alias Kimararungu igihano cy'igifungo cya burundu y'umwihariko.

Nyuma yo gutangaza imyanzuro abaregwa bandikiye Urwego rw'Igihugu rushinzwe Inkiko Gacaca basaba kurenganurwa, ibibazo byabo birasuzumwa mu Nama Rusange y'umurenge wa Remera isanga ibibazo batanze bidafite ishingiro ibasubiza ibahakanira. BIZIMANA Japhet yongeye kwandikira Urwego rw'Igihugu rushinzwe Inkiko Gacaca asaba ko yaburanishwa ahibereye kuko urubanza rwe rwaburanishijwe adahari, arabyemererwa. Igihe cyo kuburana cyegereje Bizimana Japhet yandikiye Urwego rw'Igihugu rushinzwe Inkiko Gacaca agaragaza ko yarwaye ko bityo atazabasha kuza kuburana ko asaba uburenganzira bwo guhagararirwa n'umwunganizi mu by'amategeko. Ibyo nabyo yarabyemerewe maze aha uburenganzira bwo kumuhagararira Me TWAYIGIZE Jean Claude.

Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwasabye urukiko Gacaca rw'ubujurire rwa Nyakabanda gusubiramo urubanza rwa BIZIMANA Japhet na bagenzi be runarumenyesha ko BIZIMANA Japhet azahagararirwa na Me TWAYIGIZE Jean Claude.

Urukiko Gacaca rw'ubujurire rwa Nyakabanda rwatangiye kuburanisha urubanza rwa BIZIMANA Japhet ariko abahohotewe basaba ko baburana na BIZIMANA Japhet wenyine kuko abandi bafatanyacyaha be bari baraburanye nabo kandi impamvu yo gusubiramo ikaba yari ishingiye kuri BIZIMANA Japhet wenyine. Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwarabisuzumye rusanga ibyo abahohotewe basaba bifite ishingiro rwongera kwandika ibaruwa isaba urukiko kuburanisha BIZIMANA Japhet wenyine.

Urukiko Gacaca rw'ubujurire rwa Nyakabanda rwaburanishije BIZIMANA Japhet ahagarariwe na Me TWAYIGIZE Jean Claude ku matariki ya 08/10/2011, 30/10/2011, 05/11/2011 urubanza rusomwa ku wa 27/11/2011, urukiko rusanga icyaha cyo konona imitungo y'abahigwaga kimuhama rumutegeka kwishyura amafaranga angana na miliyoni makumyabiri n'enye n'ibihumbi magana abiri na bitatu magana arindwi na mirongo itanu y'u Rwanda (24, 203, 750frw) ku ruhare rwe.

Uru rubanza rwarasakuye cyane bitewe n'uko ababuranyi ku mpande zombi bihutiraga gutangaza imigendekere y'urubanza rwabo mu bitangazamakuru. Ku ruhande rw'uregwa, Bwana Bizimana Japhet yatangazaga ko yari yarabaye umwere ku byaha byose yaregwaga ntagaragaze na mba ko icyaha cyo gusahura cyamuhamye; ahubwo agakomeza avuga ko Leta y'u Rwanda ishaka kumwambura inzu ye iri mu Muji wa Kigali ku maherere. Ku ruhande rw'abarega nabo wasangaga bitoroshye kuko baburana binubira ukuntu uwo barega ataboneka ngo baburane imbonankubone ahubwo akohereza uwo kumuhagararira kandi bo nta mwunganizi mu by'amategako bafite. Ibi byatumye bivana mu rubanza banga kongera kuburana ariko Urwego rw'Igihugu rushinzwe Inkiko Gacaca rumaze kubagira inama no kubasobanurira ko kugira umwunganizi bitanyuranyije n'amategako agenga Inkiko Gacaca, baremeye baraburana bagaragaza ibimenyetso byabo baratsinda.

- **Urubanza rwa NIYONZIMA PIYO (Akarere ka Gasabo)**

Bwana NIYONZIMA Piyo wo mu murenge wa Ndera, Akarere ka Gasabo aregwa gushishikariza abandi gukora jenocide, kujya kuri bariyeri afite imbunda anambaye imyenda ya gisirikare no kwica NYAMURANGWA. Dosiye ye yaburanishijwe n'Urukiko Gacaca rw'umurenge wa Ndera ku wa 03/06/2007, rusanga ibyaha aregwa bitamuhama rumugira umwere. Nyuma abahohotewe basabye ko urubanza rwe rusubirwamo, rusubirwamo n'Urukiko Gacaca rw'ubujurire rwa Jabana rumuburanisha ku wa 15/01/2010 rumukatira igihano cy'igifungo cy'imyaka 20. Uregwa yakomeje kwandikira Urwego rw'Igihugu rushinzwe Inkiko Gacaca agaragaza ko yabonye ibimenyetso bishya birimo ko yakatiwe igihano nk'icy'abantu bo mu rwego rwa mbere bireze bakemera icyaha bakicuza bagasaba imbabazi bikemerwa mu gihe we nta cyaha na kimwe mubyo aregwa yemera kandi ko yahamijwe kwica NYAMURANGWA kandi ariho.

Urwego rw'Igihugu rumaze gukurikirana ikibazo cye rwasabye urukiko Gacaca rw'Ubujujire rwa Nyaruguga kuburanisha urwo rubanza ku ntera yo kurusubiramo hagamijwe gusuzuma ibimenyetso bishya byari byagaragajwe n'uregwa.

Urubanza rwatangiyeye ku wa 25/11/2011 hasuzumwa ibimenyetso bishya byatanze n'uregwa. Urubanza rumaze kuburanishwa inshuro eshatu, Bwana NDIBWAMI Eric ari nawe uhagarariye abahohotewe yareze ikindi cyaha Niyonzima cyo kugira uruhare mu rupfu rw'umubyeyi we (umukecuru we) anasaba urukiko ko icyo cyaha nacyo uregwa yakisobanuraho. Urukiko rwasubitse urubanza ngo rubanze rusuzume iby'icyo kirego. Urukiko rumaze kubisuzuma rwifashishije ibitabo by'iburanisha uru rubanza rwari rwari rwaraburanishirijwemo mu nkiko Gacaca zavuzwe haruguru, rwasanze icyo cyaha ari ikirego gishya kuko kitari kiri mu byaha yaregwaga kuva urubanza rugitangira, bityo rumenyesha ababuranyi bombi ko nta birego bishya byakirwa urubanza rugeze ku ntera yo gusubirwamo. Rwasanze kandi icyo cyaha gishya hari undi wari warakiburanye kiramuhama witwa MUTWA Frodouard wari responsable, wayoboraga bariyeri yari iri imbere yo kwa NYATANYI ari naho uwo mukecuru yiciwe.

Nyuma yo gusuzuma no gukemura icyo kibazo, urubanza rwarakomeje, NIYONZIMA Piyo yisobanura ku byaha byose aregwa. Ku byerekeye icyaha cyo gutunga imbunda yasobanuye ko uwari konseye wa segiteri Ndera yaje akamusanga aho yari yicaye akamushinga imbunda mu maguru ku ngufu amutegeka kujya gufatanya n'abandi kwica ariko ngo yahise ayimusubiza ntawe ayicishije. Ibirebana na bariyeri n'imyenda ya gisirikare nabyo yabyisobanuyeho arabihakana n'abatangabuhamya baramushinjura. Ku byerekeye urupfu rwa Nyamurangwa, abaturage barimo n'umugore we basobanuye ko uwo musaza ariho kandi ko yimukiye mu Mutara ko atishwe muri jenocide. Urukiko rumaze kumva no gusuzuma ibyavuzwe n'ababuranyi bombi n'ibimenyetso byose byatanze ku mpande zombi, rwasomye urubanza ku wa 23/12/2011 rwanzura ko ibyaha NIYONZIMA Piyo aregwa bitamuhama, rumugira umwere. icyakora, abahohotewe bo ntibishimiye uwo mwanzuro.

- **Urubanza rwa AMURI Vincent (Akarere ka Nyarugenge)**

Bwana AMURI Vincent atuye mu Kagali ka Rugenge, Umurenge wa Muhima mu Karere ka Nyarugenge. Yaregwaga kugambanira RUTARE Pierre wari wihishe iwe mu gihe cya jenocide yakorewe Abatutsi bikamuviramo gupfa. icyo cyaha yakirezwe na bashiki ba nyakwigendera RUTARE aribo NYIRAMIRAMBI MUGOREWICYEZA Virginie na MUJAWAMARIYA Marie Jeanne. Abatangabuhamya bamushinjaga harimo uwitwa LONGOLONGO Hussein wahoze afungiyeye muri Gereza Nkuru ya Kigali kubera kugira

uruhare mu byaha bya jenocide, HAVUGIMANA Jean Alias Kabwotso, RWABUHUNGU Jérôme nawe ufungiyemo muri Gereza Nkuru ya Kigali kubera kugira uruhare mu byaha bya jenocide.

Uru rubanza rwabanje kuburanishwa n'urukiko Gacaca rw'umurenge wa Rugenge rusanga AMURI Vincent yarahishe RUTARE Pierre mu gihe cya jenocide akaba yari amumanyanye icyumweru amuhishe yaranamwubakiye ubwihisho mu nzu ye. Yakomeje agaragaza ko abicanyije baje kumusaka inshuro 2 zose akamuhisha ntibamubone, bakaza kumubona ku nshuro ya 3 aranzwe n'umukozi wa AMURI Vincent witwa HAKIZA Alias Rudiha. Urwo urukiko rwasanze nta mugambi yigeze agira wo kwicisha RUTARE rumugira umwera.

Ku ntera y'ubujurire, yaburanishijwe n'urukiko Gacaca rw'ubujurire rwa Cyahafi rumukatira igihano cy'igifungo cy'imyaka 15. Bwana AMURI Vincent yasabye ko urubanza rusubirwamo arabyemererwa, aburanishwa n'urukiko Gacaca rw'ubujurire rwa Gahogo rushingiye ku buhamya bw'abamushinjaga bavuzwe haruguru bakatiye ku cyaha cya jenocide bagaragaje ko ari AMURI Vincent waje kubahamagara ngo baze batware RUTARE, rumuhamya icyaha, rumukatira igihano cy'igifungo cy'imyaka 19.

Bwana AMURI Vincent yongeye kwandikira Urwego rw'Igihugu rushinzwe Inkiko Gacaca asaba kurenganurwa agaragaza ibimenyetso bishya byatanzwe n'abatangabuhamya bazi iby'urupfu rwa nyakwigendera Rutare Pierre anagaragaza ko yagambaniwe n'abagororwa bari bafungiyemo muri Gereza Nkuru ya Kigali.

Urwego rw'Igihugu rushinzwe Inkiko Gacaca rumaze kubona ubwo buhamya, rwasabye urukiko Gacaca rw'ubujurire rwa Muhoza kuburanisha urwo rubanza ku ntera yo kurusubiramo hagamijwe gusuzuma ibyo bimenyetso. Mu gihe urubanza rwaburanishwaga n'urukiko Gacaca rw'ubujurire rwa Muhoza, bamwe mu bagororwa bari bamushinje baraje bagaragaza uko umugambi wo kumushinje wacuriwe muri gereza ucuzwe na LONGOLONGO Hussein yifashishije bagenzi be bari bafunganywe bagamije kumwihimuraho kuko yari yarabatanzeho amakuru abashinje kuza mu gitero cyatwaye nyakwigendera RUTARE akicwa noneho nabo bamukururiramo bagaragaza ko ariwe waje kubahamagara ngo baze bamutware bajye kumwica. Byongeye kandi mu gihe cy'uburanisha LONGOLONGO yaranze no kwivugurura kuko noneho yagaragaje ko AMURI Vincent atari we waje kubahamagara ngo bajye gutwara RUTARE.

Nk'uko byagaragajwe mu buhamya bwatanzwe muri urwo rubanza, nyakwigendera RUTARE yaranzwe na HAKIZA Alias Rudiha wari umukozi wa AMURI atwarwa n'igitero cyari kiyobowe na RWABUHUNGU Jérôme, kirimo LONGOLONGO Hussein, MUGABO n'undi witwa DAVID. Ubundi buhamya bumushinjura bwatanzwe n'uwasitse ku icumu witwa NSHIMIYIMANA Eugène wasobanuye uburyo yabanye na nyakwigendera RUTARE Pierre na Madamu we NDOLI Alphonsine mu gihe cya jenocide ndetse n'uburyo nyuma ya jenocide we na Alphonsine NDOLI batekerezaga kuzashimira AMURI ku neza yabagiriye mu gihe cya jenocide. Urukiko Gacaca rw'Ubujurire rwa Muhoza rumaze gusuzuma ubuhamya bumushinja n'ubumushinjura, rwasanze nta ruhare yagize mu rupfu rwa nyakwigendera RUTARE, rufata icyemezo cyo kumugira umwere kuri icyo cyaha yaregwaga.

Iki cyemezo nticyanyuze abahohotewe barimo NYIRAMIRAMBI MUGOREWICYEZA Virginie, umuhungu we witwa MAGORANE na GASASIRA Sadamu ku buryo bagerageje gushyira ibikangisho n'iterabwoba ku bagize inteko. Urubanza rurangiye, urukiko rushingiye ku ngingo ya 30 y'Itegeko rigenga Inkiko Gacaca rwakatiye NYIRAMIRAMBI MUGOREWICYEZA Virginie ighano cy'igifungo cy'amezi 3, GASASIRA Sadamu igihano cy'igifungo cy'amezi 6, MAGORANE rumuhanisha igihano cy'igifungo cy'amezi 3. Urubanza rwasakuye bitewe ahanini n'iyi myitwarire mibi y'abahohotewe bavuzwe haruguru bagerageje gushyira ibikangisho ku bagize inteko bashaka ko icyifuzo cyabo cyo kumukatira aricyo cyubahirizwa.

Agaka ka 2. Dosiye zakozwe ariko zitaburanishijwe n'Inkiko Gacaca

Dukurikije ibiteganyijwe n'Itegeko Ngenga n° 16/2004 ryo ku wa 19/06/2004 n'andi mategeko yagiye arihindura kandi aryuzuzwa, hari amadosiye yakozwe n'Inkiko Gacaca ariko ntiziyaburanishe bitewe n'uko iryo tegeko ryavuzwe haruguru ryashyira mu bubasha bw'izindi nkiko. Icyakora nanone, Inkiko Gacaca z'utugali nizo zari zifite inshingano zo kwegeranya amakuru yatanzwe kuri buri muntu uregwa, kumukorera dosiye, kuyishyira mu rwego bijyanye no kuyishyikiriza urukiko rufite ububasha bwo kuyiburanisha. Abantu benshi rero batekerezaga ko amadosiye yose yatanzweho amakuru mu nkiko Gacaca arinazo zizayaburanisha ariko siko itegeko ryavuzwe haruguru ribiteganyaga.

- **Dosiye ya Sebushumba Edouard (Akarere ka Gicumbi)**

Senateri Sebushumba akekwa kugira uruhare mu guhiga no gufata abo bitaga “ibitso by’Inkotanyi” bamwe bikabaviramo gupfa, gukoresha inama z’umutekano ku rwego rwa Perefegitura muri “gahunda” bitaga mu rurimi rw’igifaransa “*comité de trillage*,” iyo komite yajonjoraga ababaga bafashwe bamwe bakabarekura bagataha abandi bagakomeza kubafunga ndetse abandi bakabica no gutoteza abantu bamwe kubera ubwoko bwabo hakaba n’abo byaviriyemo gupfa nka nyakwigendera NKUNDABUSHEKE . Ibi byaha akaba akekwa kuba yarabikoreye muri Komini Giti, ho muri Perefegitura ya Byumba, ubu akaba ari mu Karere ka Gicumbi.

Ibyaha aregwa ni ibyaha byakozwe mu myaka ya 1991 n’1992. Bwana SEBUSHUMBA Edouard afatanyije n’abandi bantu bagera kuri 21 barimo uwari umusigire wa Perefefe witwaga MUHIRE Aloys, abasirikare nka Col NSHIZIRUNGU, MUGARAGU n’abandi. Dosiye ye yashyikirijwe Ubushinjacyaha ngo izaburanishwe n’inkiko zibifitiye ububasha kuko Bwana SEBUSHUMBA Edouard ari umufatanyacyaha w’abaregwa bavuzwe haruguru bari abayobozi ku rwego rwa Perefegitura, bityo dosiye ye ikaba itari mu bubasha bw’inkiko Gacaca hashingiwe ku ngingo ya 51 n’iya 2 y’Itegeko ngenga n° 16/2004 ryo ku wa 19/06/2004 ryavuzwe haruguru.

- **Dosiye ya RUCAGU Boniface (Akarere ka Burera)**

Bwana Rucagu Boniface akekwa kugira uruhare mu byaha by’ubwicanyi bwakorewe mu cyahoze ari Komini Nyamugali, Perefegitura ya Ruhengeri ubu ni mu murenge wa Nemba mu karere ka Burera. Bimwe mu byo ashinjwa harimo ko yaba yaratanze imodoka ye igatwara interahamwe zicaga zikanasahura. Dosiye ye yarakozwe ishyikirizwa ubushinjacyaha kugira ngo azaburanishwe n’inkiko zibifitiye ububasha kuko ibyaha yakoze bimushyira mu rwego rwa mbere agace ka 2 (abakoze Jenocide ari abayobozi ku rwego rw’Igihugu cyangwa bakoshya abandi kuyikora) kuko yari Umudepite mu Nteko Ishinga Amategeko igihe ibyaha byakorwaga.

- **Dosiye ya Generali GATSINZI Marcel (Akerere ka Huye na Nyarugenge)**

Generali Gatsinzi Marcel akekwoho kugira uruhare mu byaha by'ubwicanyi byabereye i Butare nk'uwari umukuru wa ESO Butare (Ecole des sous officiers) akaba n'Umugaba Mukuru w'Ingabo mu gihe Jenoside yatangiraga. Gatsinzi Marcel aregwa kudakurikirana abasirikari yari ashinzwe kuyobora bigaga muri ESO, bishe abantu i Butare, akanaregwa kuba yari mu bayobozi bakuru ba gisirikari mu gihe cya Jenoside ntabashe kubuza abasirikare gukora ibyaha. Dosiye ye yarakozwe ihabwa ubushinjacyaha bwa gisirikari kuko Inkiko Gacaca zitari zifite ububasha bwo kumuburanisha nk'umuntu wo mu rwego rwa mbere, agace ka 2 (abari abayobozi bakuru).

. Dosiye ya NZIRASANAHO Anastase (Akarere ka Nyarugenge n'akarere ka Gakenke)

Senateri NZIRASANAHO Anastase akekwoho kugira uruhare mu byaha bya Jenoside n'ibindi byaha byibasiye inyokomuntu ari muri komite nyobozi y'ishyaka rya PSD ku rwego rwa Perefegitura ya Ruhengeri. Dukurikije amakuru yamutanzweho mu gihe cy'ikusanyamakuru, bimwe mu byo aregwa mu Karere ka Gakenke harimo gushishikariza abaturage gukora jenocide aho yatangaga imbunda ku bakozi ba ASEDI Mataba yari abereye umuvugizi wungirije afatanyije na Bwana Neretsabagabo Fabien bakunze kwita Neretse wari umuvugizi Mukuru w'iryo shuri. Izo mbunda zikaba zarakoreshejwe mu bwicanyi bw'Abatutsi mu Murenge wa Mataba nk'uko babishinjwe na Bwana Munyarukiko Amon bakunze kwita Shabani ufungiywe muri Gereza ya Ruhengeri.

Mu karere ka Nyarugenge ho yatanze amakuru amushinja kugira uruhare mu rupfu rwa Dr Gafaranga Théoneste. Kuba aregwa kugira uruhare mu byaha bya jenocide kandi akaba ari umwe mu bari bagize Komite Nyobozi y'ishyaka rya PSD ku rwego rwa perefegitura bisobanuye ko dosiye ye iri mu rwego rwa mbere agace ka 2. Hashingiwe ku ngingo ya 2 y'Itegeko Ngenga n° 16/2004 rigenga Inkiko Gacaca, dosiye ye yashyikirijwe Ubushinjacyaha kuko itari mu bubasha bw'Inkiko Gacaca.

Dosiye ya KANZIGA Agatha (Akarere ka Nyarugenge)

Madamu Agatha KANZIGA aregwa gucura no gutegura umugambi wa Jenoside n'ibindi byaha byibasiye inyokomuntu. Ibi byaha bikaba bimushyira mu rwego rwa mbere, agace ka mbere. Hashingiwe ku ngingo ya 2 y'Itegeko Ngenga ryavuzwe haruguru, dosiye ye yashyikirijwe Ubushinjacyaha ngo bumukurikirane kuko itari mu bubasha bw'Inkiko Gacaca.

Dosiye ya Padiri Guy THEUNIS (Akarere ka Nyarugenge)

Padiri Guy Theunis ni umubiligi wabaye mu Rwanda kuva mu mwaka w'1970 kugeza mu w'1994, akaba yarandikaga mu kinyamakuru kitwaga *le Dialogue* aregwa kugira uruhare mu byaha bya Jenoside birimo no gushishikariza abaturage gukora Jenoside abicishije mu nyandiko ze. Dosiye ye yashyikirijwe Ubushinjacyaha kugira ngo azaburanishwe n'inkiko zibifitiye ububasha kuko igihe yakorwa mu mwaka w'2006, Inkiko Gacaca zari zitarahabwa ububasha bwo kuburanisha abaregwa bo mu rwego rwa mbere. Ubu bubasha bwo kuburanisha bamwe mu baregwa bo mu rwego rwa mbere barimo abaregwa gushishikariza abaturage gukora Jenoside bwahawe Inkiko Gacaca nyuma y'ivugururwa ryo ku wa 19/05/2008 ry'Itegeko Ngenga n° 16/2004 rigenga Inkiko Gacaca.

- **Dosiye ya Colonel BIZIMANA (Akarere ka Rusizi)**

Col BIZIMANA ni umurundi ukekweho kugira uruhare mu byaha bya Jenoside yakorewe Abatutsi mu murenge wa Bugarama, Akarere ka Rusizi. Dosiye ye yashyikirijwe ubushinjacyaha kugira ngo izaburanishwe n'inkiko zibifitiye ububasha kuko itari mu bubasha bw'Inkiko Gacaca kuko yashyizwe mu rwego rwa mbere, agace ka 2 hashingiwe ku ngingo ya 51 y'Itegeko Ngenga ryavuzwe haruguru.

- **Dosiye ya NDAYIZEYE Domicien (Akarere ka Nyarugenge)**

Bwana NDAYIZEYE Domicien ni umurundi wari utuye mu kagari ka Mumena, Umurenge wa Nyamirambo, Akarere ka Nyarugenge kuva mu mwaka wa 1982 kugeza mu mwaka wa 1994. Yari Mécanicien muri N.A.H.V. Uwamutanzeho amakuru agaragaza uruhare rwe muri Jenoside ni Bwana NIYIBIZI Eric wari umuhuzabikorwa w'Akagali ka Mumena, Umurenge wa Nyamirambo ari naho Ndayizeye yari atuye. Uyu

mutangabuhamya wavuzwe haruguru kimwe n'abari baturanye na Ndayizeye bamushinje ibyaha bikurikira :

- Imvugo igaragaza ivanguramoko (aho yavugaga ngo kugonga umututsi n'imodoka nta kibazo) ;
- Mu rugo iwe haberaga inama zitegura ishyirwa mu bikorwa ry'ubwicanyi bwakorewe Abatutsi bo mu bigogwe no mu Bugesera hagati y'umwaka wa 1991 na 1992 ;
- Gushishikariza interahamwe gukora Jenocide baziha ibikoresho by'ubwicanyi afatanyije n'abandi barundi bari batuye ku Mumena binyujijwe mu ishyamba rya MRND. Ibikoresho bimwe na bimwe by'ubwicanyi birimo imihoro, imbunda n'ibindi byabikwaga iwe.
- Kwigisha imbunda bamwe muri bagize umutwe w'interahamwe ;
- Kujya kuri bariyeri yo ku Mumena (ahitwaga mu barundi) no ku marondo yo guhiga Abatutsi ;
- Kwitabira inama zigamije itegurwa n'ishyirwa mu bikorwa bya Jenocide i Nyamirambo, urugero ni nk'inama yabereye muri St André i Nyamirambo iyoborwa na Konye w'Umurenge wa Nyamirambo Bwana SEZIBERA ku wa 08/04/1994 kandi yari yitabiriwe n'abandi barundi bari bashyigikiye ubwicanyi ;

Mu ikusanyamakuru ryakozwe n'Inzego z'ubuyobozi, Bwana NDAYIZEYE Domicien ari ku rutonde rwa ba nyirabayazana wa Jenocide mu Kagari ka Mumena. Abatangabuhamya batanze aya makuru ni abaturanyi be barimo: MUKANDENGO Athanasie, UFITEYEZU Godillot, NIYIBIZI Amina, NGABITUJE Aboubacar, RWAGITINYWA Berchmans, HABIMANA Vianney wahoze ari responsible w'akagari ka Mumena ubu akaba afungiyemo muri Gereza Nkuru ya Kigali kubera ibyaha akurikiranyweho bya Jenocide na Bwana NIYIBIZI Eric wari umuhuzabikorwa w'Akagari ka Mumena wegeranije aya makuru. Andi makuru yatanze yagaragaje ko Bwana NDAYIZEYE Domicien afite umurumuna we witwaga NDAYIZEYE Gilbert ufungiyemo mu Ntara y'Amajyepfo muri Gereza ya Karubanda nawe ushinjwa kugira uruhare muri Jenocide yabereye i Butare, ariko nawe akaba yarabanye gutura ku Mumena. Jenocide imaze guhagarikwa NDAYIZEYE yahise ahungana n'abandi barundi barimo uwitwaga NIYITEGEKA Dominique, Laurent, GITERAMPONGO n'abandi. Aba bese barahamye bamwe ni abajyanama mu biro bya Perezida i Burundi. Aya makuru yose yamutanzweho Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwayashyikirije Ubushinjacyaha Bukuru ngo bumukurikirane.

Agaka ka 3. Abavuzwe mu ikusanyamakuru ntibakorerwe dosiye

Mu ikurikirana ry'ibyaha bigize jenocide mu Nkiko Gacaca habanje gukorwa ikusanyamakuru. Abaturage bose basabwaga gutanga amakuru y'ibyo bazi, babonye cyangwa se bumvise ku byaha byakozwe. Urukiko Gacaca rw'akagali rwakiraga amakuru yose hanyuma rukazafata umwanya wo kuyashungura, rugakora urutonde rw'abaregwa, rukabashyira mu nzego zinyuranye hakurikijwe ibyaha buri wese yabaga yarezwe. Amakuru yose yatangwaga yarandikwaga ariko yose siko yabaga afitanye isano n'ibyaha bya jenocide. Amakuru yashingirwagaho mu gushyira umuntu ku rutonde rw'abaregwa ni ayabaga agaragaza uruhare rwe mu byaha bya jenocide ku buryo bufututse.

- **URAYENEZA Gerard (Akarere ka Ruhango)**

Bwana Urayeneza Gerard yakekwagaho kugira uruhare mu rupfu rw'abapasitori b'i Gitwe, Umurenge wa Bweramana, Akarere ka Ruhango. icyakora nta makuru agaragaza uruhare rwe muri ibyo byaha yashyikirijwe Inkiko Gacaca. Ku birebana n'ibyaha byakorewe abapasitori b'i Gitwe hari abandi babirezwe banabiburanye mu nkiko Gacaca. Ku birebana na Bwana Urayeneza Gerard, Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwatanze inama ku babazaga ikibazo cyeko igihe cyose babonera ibimenyetso bihamye bigaragaza uruhare rwe mu byaha bya Jenocide ko bazabishyikiriza ubugenzacyaha kuko icyaha cya Jenocide kidasaza.

- **Generali GATSINZI Marcel (Akarere ka Nyabihu)**

Mu karere ka Nyabihu, Umurenge wa Jenda, Generali Gatsinzi Marcel yakekwagaho kugira uruhare mu kwicisha umuntu utazwi. Yarezwe kuba hari umuntu utazwi wafatiwe kuri bariyeri yari iri muri Kabatezi ya Jenda agategeka ko bamwica, uwo mwanya abari kuri icyo bariyeri ngo bagahita bamwica. Aya makuru yatanze mu ikusanyamakuru ryakozwe n'urukiko Gacaca rw'akagari ka Kabatezi. Nyuma yaho, Generali GATSINZI Marcel yatumijwe muri iryo kusanyamakuru, uwari wamutanzeho ayo makuru amubonye avuga ko uwo ashinja atari Generali GATSINZI Marcel kuko no ku isura batandukanye n'uwo arega kwicisha uwo muntu utazwi, avuga ko uwo yareze ari undi musirikare witwa MUTSINZI Marcel wari uyoboye ingabo ku Mukamira mu gihe cya Jenocide. Kubera icyo mpamvu, Generali Gatsinzi Marcel ntiyakorerwa dosiye bitewe n'uko habayeho kumwibeshyaho.

- **KAMANZI Stanislas (Akarere ka Gatsibo)**

Bwana Kamanzi Stanislas yakekwagaho kugira uruhare mu rupfu rw'umusirikare w'Inkotanyi wiciwe ku biro bya Komini Gituza (ubu ni umurenge wa Kabarore, Akarere ka Gatsibo).

Amakuru yatanze n'abaturage avuga ko muw' 1990 igihe Bwana Kamanzi Stanislas yari Assistant Bourgoumestre wa komini Gituza, abaturage bafashe umusirikare umwe w' Inkotanyi bamuzana kuri Komini araswa n'abapolisi ba Komini. Igihe Urwego rw'Igihugu rushinzwe Inkiko Gacaca rwusuzumaga iki kibazo rufatanyije n'Inyangamugayo z'urukiko Gacaca rw'Akagali ka Marimba zakoze dosiye, byagaragaye ko amakuru yatanze n'abaturage yemeza ko Col Rwendeye wari umukuru w'Ingabo muri icyo Komini ari we watanze amabwiriza ngo abapolisi barase uwo musirikare w'Inkotanyi. Ayo makuru yagaragaje kandi ko Bwana Kamanzi wari uhari yasigariyeho Bourgoumestre wa Komini ntacyo yakozwe ngo akize uwo muntu. Urukiko Gacaca rumaze gusuzuma imiterere y'icyaha, rwafashe umwanzuro wo kudakurikirana Bwana Kamanzi Stanislas kuko icyo cyaha kitari mu bubasha bw'Inkiko Gacaca.

- **HARERIMANA Mussa Fazil (Akarere ka Nyarugenge)**

Bwana Harerimana Mussa Fazil yaregwaga kuba yarahohoteye Bwana KARERA Ally bari mu gihugu cya Arabiya Sawudite aho bari baragiye kwiga. Yaregwaga kandi kujya mu mutwe witwaraga gisirikare witwaga FFU (*Fanya Fujo Uone*).

Ayo makuru yashyikirijwe Urukiko Gacaca rw'Akagali ka Gabiro, Umurenge wa Nyarugenge, Akarere ka Nyarugenge. Urukiko rumaze kwakira ayo makuru yamutanzweho rwarayasuzumye rusanga uwo mutwe wa Fanya Fujo Uone wari umutwe wo mu Idini ya Islam wari uhuriwemo n'amoko yose ukaba wari ugamiye impinduka mu idini ya Islam. Urukiko rusanga uyu mutwe nta sano wari ufiteye umugambi wa Jenoside. Urukiko kandi rwasanze amakimbarane Bwana Mussa Fazil yagiranye na Bwana Karera Ally atari ashingiyeye ku moko; bityo rusanga nta cyaha cya Jenoside Bwana Mussa Fazil Harerimana yakurikiranwaho.

Igika cya 4. Zimwe mu ndangagaciro zagaragaye muri gahunda y'Inkiko Gacaca

Ishyirwa mu bikorwa rya gahunda y'Inkiko Gacaca ni indi ntambwe yagaragaye ubutwari bw'Abanyarwanda, ubushake bwo kwiubakira Igihugu n'ubushobozi bwo kwikemurira ibibazo. Iyo usubije amaso inyuma ukareba uko u Rwanda rwari rumeze nyuma gato ya Jenocide, aho abantu bibazaga niba bishoboka ko umuryango nyarwanda wasubirana, by'umwihariko uko ikibazo cy'ubutabera ku birebana n'icyaha cya Jenocide cyabonerwa umuti, ukanareba intambwe Igihugu cyacu kigezeho kiyubaka n'uruhare rufatika Abanyarwanda babigizemo, usanga Abanyarwanda twarateye intambwe ishimishije iganisha Igihugu cyacu aheza. Zimwe mu ngero z'indangagaciro zagaragaye muri gahunda y'Inkiko Gacaca zidakwiye kwibagirana twavugaga nko kwigirira icyizere, gutanga ubutabera ku cyaha cya jenocide mu gihe kitarambiranye, uburenganzira bwa muntu, umusanzu mu bumwe n'ubwiyunge, gukunda Igihugu, kubaka Igihugu binyuze mu mirimo nsimburagifungo, umutima wo kwemera icyaha no gusaba imbabazi, ubutwari bwo guhisha abahigwaga mu gihe cya jenocide, ubutwari bwo gutanga imbabazi ku bakorewe icyaha n'ibindi.

Agaka ka mbere : Kwigirira icyizere

N'ubwo hari inama zinyuranye zatangwaga z'uburyo ikibazo cy'ubutabera ku cyaha cya Jenocide cyabonerwa umuti ariko ugasanga zidahwitse, Leta y'u Rwanda yahisemo ko Abanyarwanda ubwabo aribo bagishakira umuti. Kuba Abanyarwanda barahisemo Inkiko Gacaca ngo zikemure ikibazo cy'ubutabera ku cyaha cya Jenocide ni ikimenyetso cy'icyizere n'ubushobozi bifitemo bwo gushakira umuti ibibazo bibugarije. Abanyarwanda rero basanze ari bo bakwiye gufata iya mbere bakikemurira ibibazo kuko bisanzwe bivugwa ko "ak'imuhana kaza imvura ihise".

N'ubwo mu mwaka wa 1994 Loni yari yashyizeho Urukiko Mpuzamahanga Mpanabyaha rwashyiriwe u Rwanda ngo rukururikirane abakekwaho kugira uruhare mu byaha bya jenocide n'ibindi byaha byibasiye inyokomuntu, Abanyarwanda basanze ari ngombwa ko ari bo bafata ipfundo ry'ikibazo abandi bakaza babunganira. Iyo Abanyarwanda baza guterera agati mu ryinyo bakibwira ko hari abandi bazabakemurira ibibazo na n'ubu baba bakibycuza. Urukiko Mpuzamahanga Mpanabyaha rwashyiriwe u Rwanda rurateganya gufunga imiryango mu mwaka wa 2014 nyamara mu myaka 17 rumaze rukora ntiruburanishije n'imanza zigera ku ijana (100) mu gihe amadosiye y'abakurikiranyweho ibyo byaha arenga miliyoni! Ibi birumvikanisha ko guhitamo kwikemurira ibibazo bifitiye inyungu Abanyarwanda kuruta gutegereza ko hari

undi uzabigukorerwa. Ibi kandi byarushijeho kugaragariza Abanyarwanda ko ibisubizo by'ibibazo byabo babyifitemo.

Ntawundi muntu ushobora kumva uburemere nyabwo bw'umutwari wikoreye kuko n'ubundi bisanzwe bivugwa ngo "agahwa kari ku wundi karahandurika". Biragoye kumvisha umuntu utarabaye muri jenocide ubukana bwayo, uburemere bwayo n'ingaruka zayo kuko rimwe na rimwe ashobora kubifata nk'amateka gusa nta nabihe agaciro kanini ndetse n'ababikoze akaba yabakingira ikibababwira cyangwa se ntashyikire uruhare nyarwanda bagize mu byaha byakozwe kuko yabibwiwe gusa atababwira⁸⁵.

Kugira icyizere cyo kubaho nyuma ya jenocide ubwabyo ni ibintu bitoroshye; noneho kwigirira icyizere cyo gukemura ibibazo biremereye nk'ubutabera ku cyaha cya jenocide ni ikindi kimenyetso cy'ubutwari bw'Abanyarwanda kidakwiye kwibagirana. Iki kizere ni ryo shingiro ry'ibikorwa na gahunda by'iterambere byerekeza kuri ejo hazaza heza h'u Rwanda.

Agaka ka 2. Guca umubare munini w'imanza z'abaregwa Jenocide mu gihe gito

Kuba Inkiko Gacaca zarabashije kuburanisha imanza zikabakaba miliyoni ebyiri (2,000, 000) z'abakekwaho kugira uruhare mu byaha bya Jenocide mu gihe cyihuse (iburanishwa ryatangiyeho ku wa 10/03/2005 mu mirenge y'icyitegererezo), bigaragaza ubushake bwo gukemura ibibazo byugariye umuryango nyarwanda ngo babone uko barushaho kwita ku iterambere ry'igihugu. Iyo ugereranije uyu musaruro w'Inkiko Gacaca n'uw'izindi nzego zakurikiranye zikanaburanisha ibyaha bya Jenocide haba mu Rwanda ndetse no mu Rukiko Mpuzamahanga Mpanabyaha rwashyiriwe u Rwanda, usanga ibyo Inkiko Gacaca zagezeho ari indashyikirwa.

Kuba Abanyarwanda barashoboye gukemura ikibazo nk'iki cy'ingutu ni kimwe mu bikorwa bihesha agaciro umunyarwanda. Jenocide yatesheje agaciro umunyarwanda mu buryo burenze urugero, yahindanyije isura y'igihugu cyacu. Abanyarwanda bitesheje agaciro bemera gukora jenocide barangajwe imbere n'ubuyobozi bubi bwariho. icyakora nanone, abanyarwanda nibwo ubwabo bahagaritse jenocide bakomeje kandi kwiyubaka, barangajwe imbere n'ubuyobozi bwiza, bakora ibikorwa byo kongera kwihesha agaciro birimo n'iki cyo gutanga ubutabera ku cyaha cya jenocide. N'ubwo nta mikoro ahagije u Rwanda rwari rufite,

⁸⁵ Biragoye kumva uburyo umuntu nka Col BAGASORA Théoneste w'umucurabwenge wa jenocide ahamwe n'ibindi byaha ngo bitarimo gucura umugambi wa jenocide!

ubushake bwo kwiubakira Igihugu nibwo bwatumye Abanyarwanda biyemeza guhangana no gushakira umuti ingaruka za jenocide. Burya koko gushaka ni ko gushobora (where there's a will there's a way).

Agaka ka 3. Isomo ryo kubahiriza uburenganzira bwa muntu ryatanzwe n'Inkiko Gacaca

Kuburanisha abakekwaho kugira uruhare mu byaha bya jenocide bamenyekanye bose baba abari abayobozi ndetse n'abaturage muri rusange mu nkiko Gacaca, n'ubwo ari igisubizo kitoroshye, ni bwo buryo bukwiye bwo kwigisha Abanyarwanda b'ingeri zose kubahiriza uburenganzira bwa mugenzi wawe. Ibi kandi bisobanuye ko mu gihe jenocide yakorwaga, uwakoze igikorwa icyo ari cyo cyose cyo kubangamira uburenganzira bwa muntu agomba kukiryoza. Bamwe mu baturage bagize uruhare mu byaha bya jenocide bakundaga kuvuga ko badakwiye kuryozwa ibyaha bakoze kuko ngo ari abari abayobozi babo bababwiye kubikora; bakabifata nk'impamvu yatuma badakurikiranwa. Iyi mpamvu ariko nta shingiro ifite kuko n'ubwo abayobozi bari bariho icyo gihe bashishikariye abaturage kwica bagenzi babo no kubagirira izindi nabi nyinshi, abaturage bose si ko babyitabiriye, kandi bari bafite ubwenge bagombaga kubanza gushishoza; byongeye kandi uburyozwacyaha ni gatozi. Kutabakurikirana byari ugushyigikira umuco wo kudahana bakazahora bibwira ko ushobora gukora icyaha ntugurikiranweho. Impamvu bavugaga ibi ni uko umuco wo kudahana wari umaze igihe kirekire mu Rwanda aho abantu bamwe bahohoterwaga nyamara ababikoze ntibakurikiranwe.

Gukurikirana aba bantu mu nkiko Gacaca byatumye noneho bamenya ko ibyo bakoraga byari bibi kandi ko badakwiye kuzongera kubikora. Mu kiganiro kigufi twagiranye n'abagororwa bari baje gutunganya aho Akarere ka Gasabo kateganyaga kubaka ibiro mu Murenge wa Bumbogo badutangariye ko ubu basobanukiwe neza ko nta muntu wababwira ngo nibakore igikorwa kibi ngo bamwemerere kabone n'ubwo yaba ari umuyobozi kuko ingaruka zabyo bazibonye. Ibi byari biturutse ku mabwiriza bari bahawe n'uwari uyoboye igikorwa cyo gutunganya icyo kibanza wari usabye abagororwa gutema insina zari ziri muri icyo kibanza cy'Akarere, maze abagorororwa bakabyanga kuko batekereje ko iza nsina bashobora kuzazibazwa nyuma. Kuba abakekwagaho kugira uruhare mu byaha bya jenocide barakurikiranywe bose n'ubwo bari benshi, byatumye abanyarwanda b'ingeri zose barushaho gusobanukirwa ko icyaha cyose umuntu akoze azakiryoza ku giti cyo.

Ku birebana n'abari abayobozi baburanishijwe hamwe n'abaturage bafatanyije gukora ibyaha bose bari imbere y'urukiko Gacaca usanga ari irindi somo ritanzwe ku baturage baba baje gukurikirana urwo rubanza

ko nta muntu n'umwe uri hejuru y'amategeko, ko burya koko abantu bose bareshya imbere y'amategeko. Nta gushidikanya kandi hari icyo byigisha abayobozi bariho ubu bikaba byatuma nabo barushaho kuzirikana ko bagomba kuzuza neza inshingano zabo igihe bayobora kandi ko urengereye abihanirwa n'amategeko.

Ku bahigwaga bukwere mu gihe cya jenocide barokotse bari barambuwe uburenganzira bwose bwa muntu bahereye ku burenganzira bwo kubaho, iyo babonye ababahigaga nabo bari kubazwa ibyo bakoze bakanabihanirwa usanga ari uburyo bwo kongera kubasubiza agaciro mu muryango nyarwanda bari baraciwemo.

Agaka ka 4. Gukunda Igihugu

Mu ishyirwa mu bikorwa rya gahunda y'Inkiko Gacaca hagiye hagaragaramo ibikorwa bigaragaza ko umuco wo gukunda Igihugu umaze gushinga imizi mu muryango nyarwanda. Zimwe mu ngero twavugaga ni nk'ubwitange buhebuje bw'Inyangamugayo z'Inkiko Gacaca n'ubwitange bwa LDF (Local Defence Forces) mu bikorwa by'Inkiko Gacaca.

- Ubwitange buhebuje bw'Inyangamugayo

Inyangamugayo z'Inkiko Gacaca ni abantu bo gushimwa cyane kubera ubwitange bwabaranze mu kuzuza inshingano zabo. Inyangamugayo ni abantu bari basanzwe bafite indi mirimo bikorera ibatunze, ariko bemeye kwitanga bakorera Igihugu nta mushahara basaba, bagamije gusa kwiubakira Igihugu. Bakoze mu bihe bitari byoroshye, mu mvura n'izuba, inzara, ingendo zinyuranye za kure no hafi, kwiyezeza kuburanisha iminsi ikurikiranye n'ubwo basabwaga umunsi 1 mu cyumweru, n'ibindi. Umutima ukunda Igihugu watumaga badacika intege kuko babaga bazirikana ko ibyo bakora byose ari ukwikorera kandi bashaka kuzaraga abana babo igihugu kizira umwiranye.

Uyu mutima ukunda Igihugu niwo watumaga n'abasaza batijana ngo babererekere abakiri bato, abafite ubumuga ndetse n'abatabona nabo banga gutererana abandi nabo baremera baja mu mujishi. Urugero ni nk'umusaza witwa Nzigiyimana Léonard w'imyaka 83 (yavutse mu w'1929) wo mu Murenge wa Kagano, Akarere ka Nyamasheke wakomeje kuba Inyangamugayo y'Urukiko Gacaca rw'Akagali ka Gasayo kugeza

Inkiko Gacaca zishoje imirimo yazo. Urundi rugero, Bwana Mustapha Rutayisire ntabona ariko akaba Inyangamugayo mu rukiko Gacaca rw'Ubujurire rwa Kigarama, Umurenge wa Kigarama⁸⁶.

Iri shyamba ni ryo ryatumaga Inyangamugayo z'Inkiko Gacaca zidacogora n'ubwo hari ubwo bashyirwagaho ibikangisho ndetse rimwe na rimwe bakanavutswa ubuzima biturutse ku murimo bakora. Hari bamwe mu nyangamugayo bagiye bahohoterwa mu buryo bunyuranye ndetse bamwe bikabaviramo no kwicwa. Urugero ni nka Bwana Rutayisire Paul wishwe azira kuba Inyangamugayo y'Urukiko Gacaca rw'Umurenge wa Karama, Akarere ka Huye, Intara y'Amejyepfo. Ibi kandi ntibyabaye ku nyangamugayo gusa ahubwo byabaye no ku bakozi b'Urwego rw'Igihugu rushinzwe Inkiko Gacaca bashyirwagaho ibikangisho mu buryo bunyuranye.

- Ubwitange bwa LDF (Local Defence Forces)

Muri rusange inzego zishinzwe umutekano zakoze akazi kazo neza mu bikorwa by'Inkiko Gacaca. Izi nzego zasabwaga cyane cyane kubungabunga umutekano mu gihe cy'imirimo y'Inkiko Gacaca, gucunga umutekano w'ibikoreho by'Inkiko Gacaca, umutekano w'Inyangamugayo z'Inkiko Gacaca, n'abatangabuhamba. Izi nzego zujuje inshingano zazo uko bikwiye.

Muri izi nzego harimo igice kigizwe na ba LDF (Local Defence Forces), aba ni abantu bo gushimwa cyane mu buryo bwihariye kubera ubwitange bagaragaje mu bikorwa by'Inkiko Gacaca. Mu mwaka wa 2007 iburanishwa rimbanyije mu Gihugu hose, bitewe n'ubwinshi bw'imanza zaburanishwaga mu nkiko Gacaca, ba LDF bitabiraga iburanisha hafi ya hose mu Gihugu ku buryo iyo habaga hafashwe icyemezo cyo gufata no gufungo akenshi ari bo bagishyiraga mu bikorwa.

Uku kugishyira mu bikorwa nyamara akenshi byasabaga gufata urugendo n'amaguru bagaherekeza ababaga bakatiwe bakagezwa kuri "transit centers" cyangwa se kuri sitasiyo ya Polisi ibegereye kandi bakazanabagarura kuburana ku ntera zose z'iburanisha kuzageza urubanza rwabo rurangiye. Uyu murimo wakozwe muri ubu buryo kugeza iburanisha risoje mu Nkiko Gacaca. Bitewe n'ubwinshi bw'imanza zaburanishwaga kandi ziburanisha mu gihe kimwe ntibyari byoroshye kubonera imodoka buri rukiko

⁸⁶ Ingingo ya 11 y'Itegeko Ngenga n° 16/2004 rigenga Inkiko Gacaca yemera ko umuntu ushimwa n'abaturage w'inyangamugayo ashobora gutorerwa kuba mu bagize inteko y'urukiko Gacaca kabone n'ubwo yaba atazi gusoma no kwandika. icyakora ntashobora kuba mu bagize Inama Mpuzaabikorwa y'Urukiko Gacaca.

Gacaca rw'Umurenge cyangwa rw'Ubujurire yo kujyana no kuzana ababaga bakatiwe igihe babaga bataragezwa kuri gereza ngo bazanwe na gereza. Muri ibi bihe byari bigoye niho LDF bahagobotse maze bakajya baherekeza ababaga bakatiwe. icyakora nanone akenshi byasaga nk'ibyakora kuko n'abaherekezwa ntibaruhanyaga kuko babaga biboneye uko bagenzi babo b'abaturanyi babo babaciriye urubanza muri Gacaca bakabona ko ari ngombwa kurangiza igihano cyatanzwe n'umuryango. Ntitwabura kandi kuvuga ko abakatiwe babaga bafitiye icyizere inzego z'ubuyobozi kuko nta n'ingeri nyinshi z'abagerageje gutoroka zagaragaye.

Agaka ka 5. Ubutwari bwo guhisha abahigwaga mu gihe cya jenocide

Nk'uko twabivuze haruguru, iyo urebye intego abacuze umugambi wa jenocide bari bafite yo kurimbura burundu Abatutsi n'imbaraga zakoreshejwe ngo iyo ntego igerweho, ntibyari byoroshye gutinyuka gukora igikorwa kinyuranye n'uwo mugambi. Abacuze umugambi wa jenocide n'abambari babo b'abayobozi ku nzego zose baba abagisivili n'abagisirikare bari barangishije abaturage bagenzi babo babigisha ko umwanzi w'Igihugu ari Umututsi bityo ko akwiye kwicwa ari umukuru ari umuto. Izi nyigisho z'urwangano zari zaranigishijwe ku maradiyo n'ibinyamakuru ku buryo byari bizwi ko umuntu uzatinyuka guhisha umututsi azabihanirwa ndetse ko nawe azahita yicwa akanatwikirwa kuko azaba yifatanyije n'umwanzi. Ibi byari byarananditswe mu kinyamakuru Kangura n° 6 yo mu Kuboza 1990 mu nyandiko cyasohoyemo *"amategeko 10 y'abahutu"*. Muri rusange, aya mategeko yari agamije gucana umuriro hagati y'umuhutu n'umututsi no gushishikariza abahutu kugirira nabi abatutsi.

Icyakora rero, mu makuru yatanze mu nkiko Gacaca mu gihe cy'ikusanyamakuru no mu gihe cy'iburanisha, byagaragaye ko hari Abanyarwanda bari bagifite umutima wa kimuntu bagize ubutwari ntibirebaho, baritanga banga kurebera bagenzi babo bagirirwa nabi barabatabara, barabahisha, babaha ibyo kurya n'izindi nkunga byatumye bamwe barokoka n'ubwo bari bazi neza ko biramutse bimenyekanye byari kubaviramo kugirirwa nabi n'imiryango yabo. Dore zimwe mu ngero z'abo banyarwanda bakoze icyo gikorwa cy'ubutwari:

1. Umukecuru KARUHIMBI Sura wo mu Murenge wa Ruhango mu Karere ka Ruhango mu Ntara y'Amajyepfo yahishe abarenga 80 mu nzu ye, mu mirima ye abandi akaborosa ibishishwa by'ibishyimbo abahisha abicanyi. Yize n'amayeri yo gushaka umwana we akajya avuza ikinyuguri mu nzu abaje mu bitero bakagira ubwoba bwo kwinjira bibwira ko harimo amashitani kugeza abo yari ahishe barokotse!

2. Bwana GISIMBA Damas yahishe abantu benshi bagera kuri 400 muri *orphelinat* ye yitwa *Centre Mémorial Gisimba* iri mu Murenge wa Rwezamenyo, Akarere ka Nyarugenge mu Mujyi wa Kigali. Mubo yarokoye harimo umuryango wa Senateri MUGESERA Antoine, uwa Piyo MUGABO, n'abandi.
3. Uwitwa KAMEGELI Augustin wabaye ikirangirire mu Kagali ka Bwerankori, Umurenge wa Gihombo Akarere ka Nyamasheke mu Ntara y'Uburengerazuba. Uyu musaza w'imyaka 84 yahisemo kwibatiza mu Kiyaga cya Kivu nyuma y'aho umupasitori w'umuhutu yanze kumubatiza amuziza ko yahishe abatutsi mu gihe cya jenocide. Bwana KAMEGELI yatangarije ikinyamakuru cya *The New Times* ati :*“Nagerageje gusaba Pasitori ko yambatiza arabyanga avuga ngo nagambaniye ubwoko bwanyje bw'abahutu”*. Bwana KAMEGELI yarokoye abantu barenga 70 akoresheje ubwato bwe akabajyana ku kirwa cyo ku Idjwi bakabakira neza hanyuma akajya abashyiraye ibyo kurya. Mu gihe ikusanyamakuru ryakorwaga mu nkiko Gacaca z'iwabo, abo yatanzeho amakuru bagize uruhare muri jenocide bagerageje kumutoteza ngo aceceke ariko biba iby'ubusa.
4. Padiri MARIO FARICON w'umutaliyani wari Padiri Mukuru wa Paruwasi Gatolika ya Muhura yarokoye abatutsi bagera kuri 350 bari bamuhungiyeho bavuye mu makomini anyuranye arimo Murambi, Muhura, Giti, Rutare na Gikoro. Abaharokokeye bagiye batanga amakuru mu gihe cy'ikusanyamakuru bagaragaza ibitero binyuranye byahateraga bigira ngo bibice ariko akabarwanaho. Ubwo Interahamwe zari zimwugarije zije gutsemba abari bamuhungiyeho, yazisubije inyuma akoresheje Ijambo ry'Imana ati: *“uwicisha inkota nawe azicishwa indi”*. Ikindi gihe, ubwo yari atewe n'igitero kivuye kwa Gatete i Murambi yakoresheje amayeri yo kubwira abo bicanyi ati: *“Inkotanyi zigeze hano i Muhura zirabamara”* maze bafumyamo bariruka. Ubwo yahabwaga ikimenyesto cy'ishimwe yabwiye abari aho ati: *“ndashaka guhama mu Rwanda akaba ariho nzapfira”*⁸⁷. Yashyikirijwe ikimenyetso cy'ishimwe n'Umuryango Ibuka hasozwa icyunamo cy'iminsi 100 ku wa 19/07/2011 i Nyanza ya Kicukiro.

Mu bushakashatsi bwakozwe mu mwaka wa 2011 n'Umuryango uharanira Inyungu z'abacitse ku icumu Ibuka ku bantu bagize umutima wo guhisha abahigwaga bwakorewe mu turere 10 hamaze kugaragara umubare w'agateganyo w'abantu barokoye abatutsi bahigwaga mu gihe cya jenocide ugera kuri 275. Uyu mubare kandi ushobora kuziyongera ubu bushakashatsi nibukorerwa mu Gihugu cyose. Abarokoye abahigwaga mu gihe cya jenocide bahawe izina ry'INDAKEMWA. Mu muhango wo gushimira ubutwari

⁸⁷Twabisomye kuri www.izuba.org.rw/index.php?issue=266&article=8014 ku wa 08/03/2012.

bagize byagaragaye ko hari abaturage benshi batahigwaga banze kwitandukanya n'abatutsi, interahamwe n'abandi bicanyi barabicana. Muri abo harimo Padiri Jean Bosco MUNYANEZA wapfanye n'abakiristu be muri Paruwasi ya Mukarange, mu Karere ka Kayanza. Ubwo abicanyi bari bamwugariye yarabasubije ati: *"niba munshaka kunkiza, nimunkizanye nabo, niba mushaka kubica, nimunyicane nabo"*⁸⁸ maze baherako bamwicana nabo. Hari kandi nyakwigendera MUNYAKAYANZA Léopold wo mu Kagali ka Nyarubuye, Umurenge wa Musasa, Akarere ka Rutsiro, Intara y'Uburengerazuba wahungishije abatutsi benshi abajyana ku kirwa cya Ijwi agarutse yasanze abicanyi bamuteze bahita bamwicana n'umuvandimwe we. Abo bose hamwe n'abandi tutanditse muri iki gitabo, bashimwe na Nyakubahwa Perezida wa Repubulika Paul KAGAME, Umuryango wa IBUKA ndetse n'imiryango mpuzamahanga. Kuva jenocide igiharikwa, abarokotse jenocide nabo bagiye bashimira mu buryo butandukanye ababagiriye impuhwe bakabarokora mu gihe cya jenocide.

Agaka ka 6. Ubutwari bwo gutanga imbabazi ku bakorewe icyaha cya Jenocide

Iyo urebye uburemere bw'ibyaha bya Jenocide, ubugome bw'indengakamere byakoranywe ariko cyane cyane ingaruka byasigiye ababikorewe barokotse usanga bitoroshye kubwira uwasizwe iheruheru na Jenocide ijamba ryo gutanga imbabazi ku bamugize imfusha. Iyo urebye uburyo Inkiko Gacaca zagerageje kwegeranya abakoze ibyaha n'ababikorewe bakongera bakarebana, bakavugana, kugeza n'aho uwakoze icyaha atera intambwe yo gusaba imbabazi z'ibyo yakoze n'uwakorewe ibyaha akagira ubutwari bwo kuzitanga usanga koko Inkiko Gacaca ari ubutabera bwunga.

Mu biganiriro bigufi twagiranye n'abacitse ku icumu bo mu Karere ka Nyanza na Ruhango ku birebana no gutanga imbabazi ku babiciye badusubije muri aya magambo: *"ubu twiyemeje gusiga inyuma amateka mabi y'urwango, tukiyunga tukareba imbere, imbabazi twarazitanze ku bazidusabye"*. Undi yagize ati: *"iyo umuntu wakwiciye yicaye, akitekerezaho, akigaya, akaza kugusaba imbabazi ntawumushyizeho agahato, ntiwazimwima kuko byaba ari ukubangamira inzira y'ubumwe n'ubwiyunge kandi nawe waba umubereye inzitizi mu nzira ye yo kuva ibuzimu agaruka ibuntu"*. Undi nawe yagize ati: *"abantu bireze bakemera icyaha bagasaba imbabazi babikuye ku mutima natwe twarababariye ndetse sinabura guhamya ko aribo*

⁸⁸ Twabisanze kuri www.hirondellenews.com/content/view/14043/1194 ku wa 08/03/2012.

*banadufashije kumenya amakuru y'ukuri kuri jenocide kuko abanze kwirega bo wasangaga amakuru bayagoreka cyangwa se bakavuga ngo ntacyo babiziho*⁸⁹.

Kubona rero umuntu wagize uruhare mu byaha by'indengakamere nka jenocide yitekerezaho akabyemera nta muntu urabimushinja, agatera intambwe yo kwegera abo yabikoreye akabasaba imbabazi, ni ikimenyetso cyo kwitandukanya n'ikibi, kikaba n'ikimenyetso cy'ubushake bwo kubana n'abandi mu mahoro. Uyu mutima wo gusaba imbabazi ku bagize uruhare muri jenocide no kuzitanga ku bakorewe ibyaha ni imwe mu nzira ziganisha ku bwiye kuko bituma ya miryango yombi ibana mu mahoro. Abacitse ku icumu rya jenocide bagize ubu butwari bwo kubabarira ababiciye ni abo gushimirwa cyane kuko muri kamere-muntu ubusanzwe usanga usanga abitura ineza abababwirukira ari bake, bakurikiza ya mvugo igira iti: *"ijisho rihorwe ijisho, iryinyo rihorwe irindi"*.

Agaka ka 7. Kubaka Igihugu binyuze mu mirimo nsimburagifungo

Abanyarwanda bagize uruhare muri Jenocide basenye Igihugu, baracyoreka basenya ibikorwa by'amajyambere none ubu Leta yashatse uburyo bagira uruhare mu kongera kucyubaka. Ni muri urwo rwego hashyizweho imirimo nsimburagifungo ifitiye igihugu akamaro. Muri iyi mirimo, usanga abakoze Jenocide bireze bakemera icyaha bo mu rwego rwa kabiri, bashyirwa hamwe bagakora ibikorwa binyuranye bifitiye Igihugu akamaro. Mu bikorwa bakora harimo kubaka amashuri, kurwanya isuri binyuze mu gukora amaterasi y'indinganire, gutunganya amabuye yo kubaka imihanda, kubaka amazu y'abatishoboye, n'ibindi. Iyi gahunda yo kubaza umusaruro abasenye Igihugu bakongera akaba ari nabo bacyubaka usanga ari umwihariko w'u Rwanda. Aho gukomeza kunyunyuzwa ubukungu bw'Igihugu, hizwe uburyo bwo kubabyaza umusaruro bakora ibi bikorwa byavuzwe haruguru. Ibikorwa bamaze gukora kugeza ku wa 09/11/2011, uvanyemo ibibatunga, bifite agaciro kangana na miliyari 42⁹⁰.

⁸⁹ Ibi ni bimwe mu byo bamwe mu bacitse ku icumu bo mu Murenge wa Busasamana mu Karere ka Nyanza n'uwa Ruhango mu Karere ka Ruhango batangarije Intumwa y'Urwego rw'Igihugu rushinzwe Inkiko Gacaca ku birebana no gutanga imbabazi ku babiciye ku wa 11/07/2011.

⁹⁰ Ibi ni ibyo twatangarijwe na Bwana Nabahire Anastase ushinze umusaruro muri RCS mu kiganiro twagiranye ku wa 09/11/2011.

Agaka ka 8. Umusanzu mu bumwe n'ubwiyunge bw'Abanyarwanda

Imwe mu ntego nyamukuru z'Inkiko Gacaca harimo gushimangira ubumwe n'ubwiyunge bw'Abanyarwanda. Ubumwe n'ubwiyunge ni inzira Abanyarwanda twiyemeje nyuma ya Jenocide yakorewe Abatutsi igamije kongera kubanisha umuryango nyarwanda. Muri uru rugendo, Inkiko Gacaca zatanzemo umusanzu ufatika kuko zabaye imwe mu nzira zo komora ibikomere binyuranye Abanyarwanda basigiwe na Jenocide. Biturutse ku nkiko Gacaca, abahohotewe mu gihe cya jenocide babashijye kumenya ababakoreye ibyaha. Imwe mu nzitizi zabangamiraga ubwiyunge ni ukubona abakoze jenocide bidegembya, badakurikiranwa ngo bahanwe. Ibi biba ari ugushimangira umuco wo kudahana, bigasa n'aho abakoze jenocide nta kibi bakoze. Inkiko Gacaca zafashije mu gukemura iki kibazo maze abakekwagaho kugira uruhare muri jenocide baramenyekana biciye mu ikusanyamakuru, barakurikiranwa abahamwe n'ibyaha barahanwa naho abandi bagirwa abere. Ibi byagize akamaro kuko byafashije gutandukanya abakoze jenocide n'abatarayikoze bituma havaho urwikekwe mu muryango nyarwanda nk'uko twari twabivuze haruguru. Urwikekwe mu muryango uwo ariwo wose ni inzitizi y'ubumwe n'iterambere kuko ntacyo mwageraho igihe mutavugaga rumwe (l'union fait la force).

Inkiko Gacaca zatumye abarokotse jenocide bamenya aho ababo bishwe bajugunywe, bakurwa mu myobo itandukanye bari barimo, mu misarani no mu bimoteri, bashyingurwa mu cyubahiro mu nzibutso zinyuranye ziri mu Gihugu. Kuri iyi ngingo, umwe mu bacitse ku icumu rya Jenocide yagize ati *"n'ubwo hari imibiri itarabashije kuboneka, ntitwabura gushima uruhare rw'Inkiko Gacaca mu kugaragaza imibiri y'abacu bari barambuwe agaciro bakajugunywa nk'umwanda tukaba twarabashije kumenya aho bashyizwe, tukabashyingura mu cyubahiro, tukaba tubibuka, tukabona byibura n'uko dushyira indabo aho bashyinguwe"*⁹¹.

Kuba Abanyarwanda barahawe urubuga bakisanzura bakavugaga ibibari ku mutima ni ubundi buryo bwo komora ibikomere binyuranye twasigiwe na jenocide. Nyuma gato ya jenocide Inkiko Gacaca zitarashyirwaho, wasangaga abantu badashaka kuvugaga ibyo babonye kuko nta rubuga rwari ruriho rwa bose rwo kubivugiramo ngo bihabwe agaciro; bityo n'ababivugaga byafatwaga nk'ibihuha, amazimwe cyangwa gusebanya.

Ku bakorewe ibyaha, uru rubuga ni uburyo bwo kuva mu kato bashyizwemo n'ibyabakorewe, abasambanyijwe ku gahato cyangwa bakorewe irindi yicwa rubozo bakava mu isoni biyumvagamwo bitewe

⁹¹ Ikiganiro twagiranye n'umwe mu bacitse ku icumu wo mu ntara y'Amajyepfo, Akarere ka Huye ku wa 20/12/2011.

no kwibwira ko abantu bose bazi cyangwa babonye ibyabakorewe (n'ubwo ababikareye aribo bagakwiye gukorwa n'isoni). Iyo babashije gutobora bakavuga ibyababayeho bakabona n'abantu babumva bakanashyikira uburemere bw'ibyababayeho bituma badaheranwa n'agahinda kuko baba babonye abo kubakira umutwari bari bikoreye bonyine. Iyo hataza kubaho uburyo nk'ubu bwashyizweho n'Inkiko Gacaca ngo hatangwe urubuga rwo gusohora intimba abantu bari bafite mu mutima, byari gukomeza kwangiza imitekerereze n'ubwenge byabo, bagakomeza gushengurwa n'intimba.

Ku rundi ruhande, bamwe mu bakoze ibyaha wasangaga nabo bahorana ikidodo mu mutima, bakibwira ko abantu bose bazi cyangwa babonye amahano bakoze, bigatuma nabo bishyira mu kato, bakajya mu bantu bikandagira, bitinya ugasanga nta bwisanzure bifitemo (épanouissement). Umwe mu bireze bakemera icyaha cya jenocide yagize ati” *ndashimira Leta y’Ubumwe yadushyiriyeho Inkiko Gacaca kuko byatumye mbohoka ngakiranuka n’umutima wanjye, iteka nahoraga numva umutima uhora undega nkajya kwicuza ibyaha mu kiliziya ariko sintobore ngo mbivuge ngataha n’ubundi nta gihindutse none ubu Gacaca yaraje ndatobora ndanamiza mvuga ibyaha nakoze ntacye ku ruhande nsaba imbabazi abo nabikoreye mbikuye ku mutima bampamisha gukora TIG none ubu numva nta rubanza ngifite ku mutima kuko n’abahohotewe barambabariye ubu tubanye neza nta kibazo*”⁹².

Kuba rero abakorewe ibyaha n’ababikoze barahawe urubuga rwo gusohora ibyabaremereraga mu mitima, bagasohora intimba zabavunaga cyangwa bakaruhuka ikidodo cyo ku mutima bituma bisanzura bakamenyana bagasabana.

Ubu busabane rero ndetse no kugirirana ikizere mu muryango nyarwanda ni ikimenyetso cy’ubumwe n’ubwiyunge. Ibi kandi ni umusingi w’amajyambere kuko iyo abantu bahuje nibwo bashobora gutegura umushinga w’iterambere rirambye bakora, bakitabira gahunda za Leta z’iterambere bagakora nta mpungenge bafite bakiyubakira Igihugu. Kuri iyi ngingo y’ubumwe n’ubwiyunge, ubushakashatsi bwakozwe n’Ikigo cyo gukumira no gukemura amakimbirane cya Kaminuza Nkuru y’u Rwanda (CCM) bwagaragaje ko umusanzu w’Inkiko Gacaca mu gushimangira ubumwe n’ubwiyunge bw’Abanyarwanda ugera ku kigero cya 87.3%. Ibi ni bimwe mu bikorwa byo gushimwa dukesha iyi gahunda y’Inkiko Gacaca, ariko ushatse kubiva imuzi wabona n’ibindi byinshi.

Mu gusoza iki gice, twavugaga ko ibisobanuro byatanze bivuzwe mu buryo bw’incamake, bwumvikana kandi bufasha abifuzaga gusobanukirwa neza gahunda y’Inkiko Gacaca. Ibi bisobanuro byatanze kuri zimwe mu

⁹² Ikiganiro twagiranye n’umwe mu bireze bakemera icyaha uri mu ngando ya TIG ya Rutunga mu Karere ka Gasabo ku wa 15/10/2009.

nenge zakunze kugarukwaho kenshi n'abantu n'imiryango bagiye batangaza mu maraporo yabo cyangwa mu zindi nyandiko. Ibyagiye bigaragazwa nk'inenge kuri gahunda y'Inkiko Gacaca, akenshi wasangaga byarabaga biturutse ku kudasobanukirwa neza gahunda y'Inkiko Gacaca cyangwa se kuyigereranya n'ubundi buryo busanzwe bumenyerewe bwo gutanga ubutabera kandi nyamara buri buryo bufite umwimerere n'umwihariko wabwo ku buryo kunenga cyangwa gushima ubu buryo cyangwa buriya bikoze mu igereranywa byaba ari ukwibeshya cyane cyane ko n'ibibazo zikemura bihabanye cyane.

Ku birebana n'imanza zitavuzweho rumwe, birasanzwe ku baburanyi cyangwa se ababashyigikiye kutemeranya ku mwanzuro urukiko ruba rwafashe icya ngombwa ni uko urukiko ruba rwafashe umwanzuro ushingiyeye ku mategeko n'ubushishozi. icyakora nanone, akenshi kudahuza imyumvire ku mwanzuro w'urubanza uru n'uru ku bantu banyuranye byagiye bituruka ku ruhande ubivuga yabaga abogamiyeho, bidaturutse ku mpamvu zisobanutse.

Kuba hari dosiye zitaburanishijwe n'Inkiko Gacaca ntawe ukwiye kubibonamo ikibazo kuko urukiko ruburanisha ibyaha biri mu bubasha bwarwo, kirazira rero kuburanisha ibyaha biri mu bubasha bw'izindi nkiko. Izo dosiye zashyikirijwe inzego zifite ububasha bwo kuzikurikirana. Ubugome ndengakamere ibyaha bya jenocide byakoranywe bigaragaza uburyo no kuburanisha imanza zabyo bitari umurimo woroshye. Byonyine gusobanura uko ibyaha byakozwe byakururaga ihungabana ku babaga bakurikiye urubanza muri rusange, n'abahohotewe by'umwihariko; byasabaga Inyangamugayo z'Inkiko Gacaca kugira ubushishozi no kuyobora iburanisha zidahutaje uwo ari we wese hagamijwe gutanga ubutabera bunoze.

Ibyerekeye ibyiza bihebuje dusigiwe na gahunda y'Inkiko Gacaca, byo ni byinshi, ibyavuzwe muri iyi nyandiko, ni zimwe mu ngero zatanze. Twasozza tuvuga ko Inkiko Gacaca zujuje neza inshingano zazo ndetse ntitwabura gushishikariza amahanga yahuye n'ibibazo bisa n'ibyo u Rwanda rwacyemo kuza kurwigiraho uburyo bwo gukemura amakimbirane no kubaka amahoro.

UMWANZURO

Ishyirwaho rya gahunda y'Inkiko Gacaca mu Rwanda byari kuri bamwe nk'inzozi kubera impamvu zitandukanye. Mbere na mbere, abantu bamwe bahamyaga ko bitashoboka kuburanisha no guhana imbaga y'abantu bagize uruhare muri Jenoside n'ibindi byaha byibasiye inyokomuntu, ko ahubwo hagombaga gutangwa imbabazi rusange kuri abo bantu. Uretse n'ibyo, abantu bavugaga ko iyo gahunda yateza umutekano muke mu baturage ndetse byarimba igateza indi Jenoside. Hari n'abandi babonaga muri iyo gahunda uburyo bwo gusesagura mu gihe nyuma ya Jenoside ubukungu bwari bwifashe nabi.

Hatitawe kuri izi mpamvu zatangwaga n'izindi zitavuzwe, Abanyarwanda bahisemo Gacaca babitewe n'umutima ukunda Igihugu kubera ko byari mu bibazo byagomba gushakirwa umuti mu buryo bwihutirwa. Muri ibyo bibazo, ubutabera n'ubwiyunge bw'Abanyarwanda byari ku isonga. Hirengagijwe ingorane zavuzwe, benshi mu banyarwanda bemezaga ko gutanga ubutabera nyuma ya Jenoside ari inshinganyo y'ingenzi kandi ko kubera iyo mpamvu inzitizi zishamikiye kuri iyi nshingano zidashobora kuba imbogamizi ku bushake bwo kongera kubaka imibanire izira amakemwa y'abanyarwanda. Bityo, nyuma y'uko Itegeko rishyiraho gahunda y'Inkiko Gacaca, iyo gahunda yatangijwe n'icyiciro cy'icyitegererezo. Nyuma y'icyiciro, benshi mu banyarwanda bavanyemo icyizere cy'uko iyo gahunda izagenda neza. Mu mpamvu zatumaga bagira icyizere harimo ubwitabire bw'abaturage, gushyira ukuri ahagaragara, amakuru n'ubuhamya byinshi, kwihuta kw'imirimo mu cyiciro cy'icyitegererezo, umubare munini w'imanza zaburanishijwe muri icyo cyiciro, umubare w'abirega wagenda wiyongera, imigendekere myiza y'iburanisha n'ibindi. Imigendekere myiza y'icyiciro cy'icyitegererezo yakuyeho ingingimira zose bityo gahunda y'Inkiko Gacaca itangizwa mu Gihugu hose. Umusaruro ushimishije w'Inkiko Gacaca mu Gihugu hose waturutse ku bwitange n'ubushake by'Abanyarwanda mu gusana Igihugu cyabo.

Gahunda y'Inkiko Gacaca ikubiyemo igice kinini cy'amateka mabi y'ibihe by'agahinda u Rwanda rwanyuzemo mu mwaka w'1994. Kubera iyo mpamvu, gahunda y'Inkiko Gacaca izahora ari urwibutse rutibagirana mu mateka y'u Rwanda kandi izafasha mu kukumira ndetse no kurwanya ingengabitekerezo iyo ariyo yose y'amacakubiri cyangwa ya Jenoside. Binyujijwe muri gahunda y'Inkiko Gacaca Abanyarwanda bagaragaje ubushobozi bwabo mu kwikemurira ibibazo, gusubiranya umuryango nyarwanda no kugaragaza ukuri ku mugambi wa Jenoside wateguwe igihe kirekire nyuma abawuteguye bakaba babihakana. Ubushobozi bw'Inkiko Gacaca mu kwihutisha imanza za Jenoside bwakemuye ikibazo

cyo gutinda kw'imanza mu Nkiko. Inkiko Gacaca zabaye uburyo bwo guca umuco wo kudahana, ni isomo ku kubahiriza uburenganzira bwa Muntu by'umwihariko uburenganzira bwo kubaho no kureshya kw'abanyarwanda bose imbere y'amategeko. Inkiko Gacaca kandi zabaye uburyo bwo gusubiza indangagaciro z'umuco nyarwanda agaciro zari zarambuwe n'inyigisho z'abakoloni wasangaga rimwe na rimwe zinyuranye n'ukuri k'Umuryango Nyarwanda.

Inkiko Gacaca zasoje neza imirimo yazo, Abanyarwanda bakaba bishimira ibyo zagezeho n'intambwe nini yatewe.

Amatariki y'ingenzi y'ikurikiranwa n'ihana ry'ibyaha bigize icyaha cya Jenocide kugeza ubu:

- Itegeko Ngenga n° 08/96 ryo ku wa 30 Kanama 1996 ryerekeye imitunganyirize y'ikurikirana ry'ibyaha bigize icyaha cy'itsembabwoko n'itsembatsemba cyangwa ibyaha byibasiye inyokomuntu byakozwe kuva ku itariki ya mbere Ukwakira 1990, ryashyizeho ingereko zihariye mu nkiko za gisivile n'iza gisirikare zari zishinzwe kuburanisha ibyaha bya jenocide ;
- 01/05/2000: Itangazwa mu Igazeti ya Leta ya Repubulika y'u Rwanda ry' ivugururwa ryo ku wa 18/04/2000 ry'Itegeko Nshingiro rya Repubulika y'u Rwanda ryahinduye imiterere y'Urukiko rw'Ikirenga rishyiraho imitwe itandatu harimo ushinze Inkiko Gacaca wahawe inshingano zo guhuza ibikorwa by'Inkiko Gacaca;
- 01/05/2000: Itegeko ngenga n° 9/2000 ryahinduye imiterere y'Urukiko rw'Ikirenga rishyiraho imitwe itandatu harimo ushinze Inkiko Gacaca wahawe inshingano zo guhuza ibikorwa by'Inkiko Gacaca;
- 26/1/2001 : Itegeko ngenga n° 40/2000 rishyiraho Inkiko Gacaca, rikagena imitunganyirize y'ikurikirana ry'ibyaha bigize icyaha cy'itsembabwoko n'itsembatsemba cyangwa ibyaha byibasiye inyoko muntu ryashyiraga Urukiko Gacaca kuri buri rwego rw'ubutegetsi bw'Igihugu (akagari, umurenge, akarere n'umujyi, Intara) ;
- 04-07/10/2001 Amatora y'Inyangamugayo z'Inkiko Gacaca ;
- 18/06/2002 : Nyakubahwa Perezida wa Repubulika atangiza ku mugaragaro ibikorwa by'Inkiko Gacaca mu cyiciro cy'icyitegererezo ;
- 19/06/2002 : Itangira ry'ikusanyamakuru mu Nkiko Gacaca z'utugari 79 zo mu mirenge 12 y'icyitegererezo hatanyijwe umurenge muri buri ntara n'Umujyi wa Kigali ;
- 25/11/2002 : Kongera imirenge y'icyitegererezo hatangizwa ikusanyamakuru mu Nkiko Gacaca z'utugari 672 zo mu yindi mirenge 106 hatanyijwe umurenge umwe muri buri karere n'Umujyi ;
- 04/06/2003: Itegeko Nshinga rya Repubulika y'U Rwanda ryo ku wa 04 Kamena 2003 ryateganyijwe ishyirwaho ry'Urwego rw'Igihugu rushinzwe Inkiko Gacaca mu ngingo yaryo ya 152;

- 28/04/2004: Itegeko n° 08/2004 ryo ku wa 28/04/2004 ryashyizeho Urwego rw'Igihugu rushinzwe Inkiko Gacaca kandi rigena imiterere, inshingano n'imikorere byarwo maze rusimbura Umutwe w'Inkiko gacaca wari mu Rukiko rw'Ikirenga ;
- 19/6/2004 : Itegeko ngenga n° 16/2004 rigena imiterere, ububasha n'imikorere by'Inkiko Gacaca zishinzwe gukurikirana no gucira imanza abakoze ibyaha bya jenocide n'ibindi byaha byibasiye inyoko muntu rikuraho Itegeko ngenga n° 40/2000 ryo ku wa 26/1/2001 ;
- 20/6/2004 : Ivugururwa ry'imiterere y'Inkiko Gacaca zigashyirwa ku rwego rw'akagari n'umurenge gusa ;
- 24/6/2004 : Nyakubahwa Perezida wa Repubulika atangiza ku mugaragaro ibikorwa by'Inkiko Gacaca mu Gihugu hose no ku nzego zose;
- 15 Mutarama 2005 : Gutangiza Ikusanyamakuru mu Gihugu hose;
- 10/3/2005: Imanza za mbere zitangira kuburanishwa mu Nkiko Gacaca z'imirenge y'icyitegererezo ;
- 30/6/2006 : Gusozwa icyiciro cy'ikusanyamakuru ku rwego rw'Igihugu;
- 12/7/2006 : Itangazwa ry'Itegeko Ngenga n° 28/2006 ryo ku wa 27/06/2006 rihindura kandi ryuzuza Itegeko Ngenga n°16/2004 ryo ku wa 19/06/2004 ryavuzwe haruguru;
- 15/07/2006 : Gutangiza iburanisha mu Gihugu hose;
- 1/03/2007 : Itangazwa ry'Itegeko Ngenga n° 10/2007 ryo ku wa 1/3/2007 rihindura kandi ryuzuza Itegeko Ngenga n° 16/2004 ryo ku wa 19/06/2004 nk'uko ryahinduwe kandi ryujijwe kugeza ubu;
- 1/06/2008 : Itangazwa ry'Itegeko Ngenga n°13/2008 ryo ku wa 19/5/2008 rihindura kandi ryuzuza Itegeko Ngenga n° 16/2004 ryo ku wa 19/06/2004 nk'uko ryahinduwe kandi ryujijwe kugeza ubu ;
- 23/06/2008: Itangira ry'iburanisha ry'imanza zo mu rwego rwa mbere mu nkiko Gacaca;
- 23/10/2009 : Imihango ya mbere yo gusozwa ibikorwa by'Inkiko Gacaca ku rwego rw'Umurenge (Umurenge wa JURU, Akarere ka Bugesera; Intara y'Uburasirazuba) ;

- 5/8/2010 : Umuhango wa nyuma wo gusozwa ibikorwa by'Inkiko Gacaca ku rwego rw'Umurenge (Umurenge wa KAGANO, Akarere ka Nyamasheke, Intara y'Uburengerazuba) ;
- 18/06/2012 : Nyakubahwa Perezida wa Repubulika asozwa ku mugaragaro ibikorwa by'Inkiko Gacaca ku rwego rw'Igihugu.