



UMURYANGO W'ABIBUMBYE

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

*Urwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y'Insigarira y'Inkiko Mpanabyaha rwashyizweho n'Inama Ishinzwe Amahoro ku Isi y'Umuryango w'Abibumbye ku itariki ya 22 Ukuboza 2010 kugira ngo Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda (TPIR) n'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho icyahozze ari Yugosilaviya (TPIY) nizimara kurangiza manda yazo ruzazisimbure ku byerekeranye n'ububasha, imirimo y'ingenzi, uburenganzira n'inshingano zari zifite.*

## DISIKURU

PEREZIDA

Arusha, Lahe, 17 Ukwakira 2018

### **Ijambo Umucamanza Theodor Meron, Perezida w'Urwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y'Insigarira y'Inkiko Mpanabyaha, yagejeje ku Nteko Rusange y'Umuryango w'Abibumbye 17 Ukwakira 2018**

Madamu Perezida, ba Nyakubahwa, Ntumwa z'ibihugu na mwe mwese muteraniye aha:

Nejewe cyane no kongera kugera imbere y'iyi Nteko Rusange, kandi bwa nyuma, nka Perezida w'Urwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y'Insigarira y'Inkiko Mpanabyaha.

Mbere yo gukomeza, mboneyeho kubashima cyane, Madamu Perezida, kuba Ecuador ari yo iyoboye iyi Nteko Rusange ubu kandi nagira ngo mbifurize amahirwe muri manda yanyu.

Ndifuzza kandi gushimira ibiro bishinzwe ibyerekeranye n'amategeko, by'umwihariko Bwana Miguel de Serpa Soares, Umunyamabanga Mukuru Wungirije ushinze ibyerekeranye n'amategeko akaba n'Umujyanama mu by'amategeko w'Umuryango w'Abibumbye na Bwana Stephen Mathias, Umufasha mu by'amategeko w'Umunyamabanga Mukuru, kubera ubufatanye n'inkunga ikomeye ibyo Biro bidahwema guha IRMCT.

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Madamu Perezida, ba Nyakubahwa:

Ubutabera, kuryoza ibyaha ababikoze no guharanira ko ibihugu bigendera ku mategeko ni amahame ari mu ndangagaciro zacu z'imena kandi zisumba izindi. Kwiyemeza kugendera kuri ayo mahame ni inkingi ya mwamba y'Umuryango wacu. Cyakora, n'ubwo zishobora kuba ari indangagaciro zimenyerewe, nasabaga ko twese twafata akanya tugatekereza ku mpamvu izo ndangagaciro ari ngombwa.

Ubutabera ni ngombwa kuko iyo dushaka ko abakoze ibyaha babiryoza binyuze mu kubacira imanza mu bwigenge, nta kubogama kandi mu buryo buboneye nta kujenjeka ni bwo tuba dushimangiye iyubahirizwa ry'ihame ry'igihugu kigendera ku mategeko kandi, iyo tubikoze gutyo, tuba dushyizeho inzira ituganisha ku mahoro.

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

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Ubutabera ni ngombwa kuko mu manza ziburanishwa ari ho duharanirira ko indangagaciro zikubiye mu mategeko yacu zubahirizwa ndetse tukanasaba ko zigenderwaho. Ayo mategeko agaragaza, mu buryo bwinshi, abo turi bo mu by'ukuri, akarwanya ibikorwa by'ubugome n'iby'ubugizi bwa nabi ndetse, ku rwego mpuzamahanga, akagaragaza ko haba hitezwe ko, no mu gihe cy'imvuru z'intambara, tugomba kurangwa n'ubumuntu bw'ibanze kandi tugakora uko dushoboye ngo tubusigasire.

Ubutabera ni ngombwa kubera ko, ubwabwo, ari ikimenyetso gikomeye cyo kwemera agaciro ka muntu, agaciro k'ubuzima kuri buri muntu, akababaro k'abakorewe ibyaha n'inshingano buri wese afite ku bandi bantu.

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Mu buzima bwa buri muni, dushobora kudatekereza cyane ku ndangagaciro y'ubutabera, ku yo kuryoza ibyaha ababikoze cyangwa ku y'ihame ry'igihugu kigendera ku mategeko. Cyakora, iyo dushenguwe n'agahinda—iyo tureba abantu dukunda bajanywe mu magariyamoshi n'amakamy ubutazaruka, iyo tuvuga ku bikorwa by'urugomo n'ibya kinyamaswa cyangwa twe ubwacu tugakorerwa ibyo bikorwa, ni bwo tumenya neza agaciro k'ubutabera. Byongeye kandi, iyo turimo kugerageza kongera kubaka ubuzima bwacu n'ubw'abantu batuye mu gace kacyuma y'ibikorwa by'urugomo simusiga, iyo turimo kugerageza, dufatanyije, gukora ku buryo habaho amahoro arambye ni bwo dusobanukirwa kurushaho umusingi w'ingirakamaro uturuka ku butabera, ku kuryoza ibyaha ababikoze no ku ihame ry'igihugu kigendera ku mategeko.

Mu myaka igera hafi kuri 75, Umuryango w'Abibumbye wagiye wibonera, mu bihe binyuranye, amarorerwa ateye ubwoba n'ibikorwa bibi birenze kameremuntu. Iyo habayeho bimwe mu byaha bikomeye kurusha ibindi, intambara n'imvururu, nta wahakana ko Umuryango w'Abibumbye ushobora guhangana na byo iyo ukoranye ingoga nta kujenjeka kugira ngo utabare. Ni nako bigenda iyo uyu Muryango ufashe ingamba zigaragara kugira ngo ibyo twiyemeje twese kandi by'ingenzi mu guharanira ubutabera, kuryoza ibyaha ababikoze no gukurikiza ihame ry'igihugu kigendera ku mategeko byubahirizwe.

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Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda n'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho icyahoze ari Yugoslaviya zombi zagiyeho kuko byari ngombwa cyane ko habaho ubutabera maze abantu bakaryozwa ibyaha bakoze. Kuva zajyaho, izo Nkiko zabaye inkomarume maze zishyiraho uburyo buzajya bukurikizwa mu bindi bikorwa byose bigamije gutuma abantu baryozwa, ku giti cyabo, ibyaha byo kunyuranya n'amategeko mpuzamahanga.

Muri buri rubanza, izo Nkiko zasobanuye ibiteganywa n'amategeko arengera abantu mu gihe cy'intambara n'ay'uburenganzira bwa muntu. Zashimangiye iyubahirizwa ry'amategeko maze zigaragaza ko nta muntu uri hejuru yayo. Zagaragaje akamaro kihariye ko guca urubanza mu buryo buboneye kandi hakurikijwe amategeko. Zatumye abantu basobanukirwa neza amarorerwa yakozwe muri jenocide yakorewe Abatutsi mu mwaka wa 1994 mu Rwanda n'ayakozwe mu Cyahoze ari Yugoslaviya mu ntambara zahabereye.

Muri make, izo Nkiko zasize umurage ukomeye kandi Urwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y'Insigarira y'Inkiko Mpanabyaha, rwazisimbuye ndetse rugashyirirwaho gukora no kurangiza imirimo yasigaye, imirimo y'ingenzi, rutewe ishema no gukomeza uwo murage.

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Madamu Perezida, ba Nyakubahwa:



Nk'uko bivugwa muri raporo yanditse yatanze muri Kanama, IRMCT yateye intambwe ishimishije mu mwaka ushize. Yakomeje gukora imirimo y'ingenzi yashinzwe kuko yarinze umutekano w'abakorewe ibyaha n'abatangabuhama bafite ibibazo byihariye no kubatera inkunga ndetse ikanagenzura irangizagihano ry'abantu bahamijwe ibyaha. IRMCT yanabungabunze ndetse icunga ubushyiruranyandiko bufite agaciro katagereranywa ari nako iha ubufasha inkiko z'ibihugu zibusabye. Nk'uko bivugwa, birambuye, muri iyo raporo yanditse, Bwana Serge Brammertz, Porokireri wa IRMCT, n'ibiro bye bakomeje gushyira imbaraga mu gushakisha no gufata abantu, batarafatwa, barezwe na TPIR na IRMCT. Ubufatanye bw'ibihugu bigize Umuryango w'Abibumbye muri ibyo bikorwa buracyari ingenzi kugira ngo abantu baregwa batarafatwa bashyikirizwe ubutabera, nk'uko ubufatanye bw'ibihugu ari ingenzi mu bindi bikorwa byinshi bya IRMCT, kuva ku irangizagihano ry'abakatiwe kugera ku gushaka ahimurirwa abantu barekuwe nyuma yo kugirwa abere, kugira ngo ibintu bigende neza mu bihugu bibakiriye.

Mu by'ukuri rero, IRMCT yakomeje gukora imirimo myinshi y'ubutabera kandi muri urwo rwego, Abacamanza bayo baciye urubanza rumwe mu bujuzire ndetse batanga n'ibyemezo byinshi n'amategeko anyuranye mu gihe kirebwa n'iyi raporo. Banagize ibyo bahindura mu Mategeko Agenga Imiburanishirize n'Itangwa ry'ibimenyetso. Byongeye kandi, nk'igikorwa cy'ingenzi, Abacamanza bemeje Amabwiriza agenga imyitwarire ku kazi y'Abacamanza ba IRMCT nk'uko yasubiwemo. Muri ayo Mabwiriza yasubiwemo harimo ibikurikizwa mu gufatira Umucamanza igihano cyo mu rwego rwa disipurine kandi ibyo ni ikindi kimenyetso cyerekana ko IRMCT yemera kubazwa no kugaragaza ibyo ikora ndetse no kwimakaza imikorere myiza mu byo ikora byose.

Nk'uko bivugwa muri iyo raporo yanditse, IRMCT yateye indi ntabwe y'ingenzi, ubwo, nyuma y'uko TPIY ifunze imiryango mu Ukubozza 2017, IRMCT yatangiye, bwa mbere kuva yayajaho, gukora yonyine nta bufasha bw'inkiko zayibanjirije. N'ubwo, muri iki gihe, yahuye n'ibibazo bitari byitezwe by'ingengo y'imari, IRMCT yashoboye kwikura muri ibyo bibazo kubera imiyoborere myiza ya Bwana Olufemi Elias, Gerefiye wa IRMCT, ubunyamwuga bwihariye n'ubwitange by'abakozi ba IRMCT ndetse n'ubufasha bw'iyi Nteko Rusange. Mu by'ukuri, twongereye imbaraga mu buryo bwinshi hagamijwe kunoza imirimo yacu n'uburyo bwo gukora akazi kugira ngo turushaho gukora neza, ari na ko tugerageza kuba intangarugero mu gukoresha neza uburyo buke twahawe.

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N'ubwo igihe kirebwa n'iyi raporo cyarangiyeye ku itariki ya 30 Kamena 2018, mbere yo gusozza iri jambo, ndagira ngo mvuge, muri make, ku bintu bitatu byabaye kuva icyo gihe.

Icyo mbere, mbabajwe no kubamenyesha urupfu rw'Umucamanza Mparany Mamy Richard Rajohnson wo muri Madagasikari, wapfuye mu ntangiriro z'uku kwezi. Yari Umucamanza mugenzi wanjye washimwaga kandi akubahwa na bagenzi be b'Abacamanza kimwe n'abandi bakozi muri IRMCT ndetse na mbere muri TPIR. Tuzahora tumwibuka cyane. Kubera urupfu rwe n'indi myanya ibiri itarimo Abacamanza kuri risite y'Abacamanza bitewe no kugenda k'Umucamanza Bakone Justice Moloto wo muri Afurika y'Epfo no kuba Umucamanza Aydin Sefa Akay wo muri Turukiya atarongererewe manda, byatumye IRMCT ubu isigaranye Abacamanza 22 gusa kuri risite yayo. Mbonyeho umwanya wo gushimira abantu bose barimo gukora uko bashoboye ngo iyo myanya ibona Abacamanza bayijyamo.

Icyo kabiri, nshimishijwe no kubamenyesha ko icyumba cy'iburanisha cya IRMCT, Arusha, cyaburanishirijwemo bwa mbere muri Nzeri, ubwo abantu batanu baregwa gusuzugura Urukiko bitabaga Urukiko bwa mbere. Iryo buranisha rya mbere ryagenze neza cyane kandi rigaragaza ko IRMCT yiteguye kuburanisha, bidasabye integuza nini, iyo abarezwe batarafatwa, ariko bagomba kuburanishwa na IRMCT, bafashwe nyuma y'uko aho bari hamenyekanye.



Icyo nyuma, nk'uko bamwe mushobora kuba mubizi, mu byumweru bishize, habaye impinduka mu Nteko y'Abacamanza, mu bujirire, mu rubanza rwa Ratko Mladić n'urwa Radovan Karadžić kubera Ibyifuzo byasabaga ko bamwe mu Bacamanza, na nyje ndimo, bava muri izo manza. Mu rubanza rwa Mladić, hashingiwe ku Mategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenetso, Umucamanza urusha abandi uburambe ku kazi ni we wafashe ibyemezo kuri ibyo Byifuzo maze yemera Ibyifuzo bisaba gukura Abacamanza Carmel Agius, Liu Daqun na nyje muri urwo rubanza. Mu rubanza rwa Karadžić, hamaze gutangwa icyifuzo gisaba ko mva muri urwo rubanza, narwivanyemo mbere y'uko umucamanza urusha abandi uburambe ku kazi afata icyemezo kuri icyo Cyifuzo.

N'ubwo ndashidikanya na gato ko Abacamanza bagenzi banjye bari mu Nteko ziburanisha izo manza zombi bazakora ibishoboka byose ngo impinduka zabaye mu Nteko z'Abacamanza zidatuma izo manza zongererwa igihe bitari ngombwa, mbabajwe no kutazongera kuba mu rubanza rwa Karadžić kugera rurangiye mu mpera z'uyu mwaka, nk'uko nabiteganyaga mbere. Ibyo ari byo byose, nk'uko mbivuga mu Cyemezo nafashe, nasanze kwikura muri urwo rubanza biri mu nyungu z'ubutabera kugira ngo hatabaho iburanisha ku Cyifuzo cyasabaga ko mva muri urwo banza maze bigatinda urwo rubanza mu bujirire.

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Madamu Perezida, ba Nyakubahwa:

Nk'uko nabikoze ntangira, ngiye gusozza iri jambo nibanda ku butabera.

Ihame ryagendeweho hashyirwaho TPIY mu myaka ya mbere ya za 1990<sup>1</sup> ryasobanuwe neza mu buryo bwa gihanga na Hegel agira ati "Mureke habeho ubutabera kuko bitabaye ibyo isi yashira". Iri hame rigomba gukomeza kutuyobora —atari muri IRMCT gusa, ahubwo mu Muryango w'Abibumbye muri rusange.

Nagize amahirwe akomeye cyane yo kugira uruhare muri iki gikorwa cy'indashyikirwa nk'Umucamanza mu gihe gikabakaba imyaka 20 ndetse nkanarugira nka Perezida wa IRMCT kuva yajyaho. Mbashimiye kuba naragize ayo mahirwe yo gukora icyo mirimo no kuba nahawe uyu mwanya ngo mbasezereho.

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<sup>1</sup> Reba raporo y'Urukiko Mpuzamahanga rwashyirwaho kuburanisha abantu bakoze ibyaha binyuranyije bikomeye n'Amategeko arengera abantu mu gihe cy'intambara mu Cyahoze ari Yugoslaviya kuva mu mwaka wa 1991, 29 Kanama 1994, UN Doc. A/49/342 na S/1994/1007, igika cya 18.