IBYAVUZWE MU MAGAMBO NI BYO BIGENDERWAHO

Ijambo Umucamanza Carmel Agius, Perezida w'Urwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y'Insigarira y'Inkiko Mpanabyaha, yagejeje ku Nama Ishinzwe Amahoro ku Isi y'Umuryango w'Abibumbye

17 Nyakanga 2019

Bwana Perezida, ba Nyakubahwa namwe mwese muteraniye hano:

Ntewe ishema cyane no kongera kugeza ijambo ku Nama Ishinzwe Amahoro ku Isi ariko, ubu noneho, nka Perezida mushya w'Urwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y'Insigarira y'Inkiko Mpanabyaha (IRMCT). Ngira umugisha kuba narahawe ubuyobozi bwa IRMCT mu gihe urwo rwego rumaze gukomera maze rugashinga imizi rubikesha ubwitange n'ubudashyikirwa mu mirimo byaranze Umucamanza Theodor Meron wambanjirije, abanyacyubahiro bagenzi banjye b'Abacamanza ba IRMCT, ntibagiwe abakozi bayo b'intagereranywa.

Ibyo ntibivuga ko amezi ya mbere muri ako kazi yanyoroheye. Kuba Perezida wa IRMCT ni umurimo uruhije: kuyobora urwego rukorera ku migabane ibiri, rufite Abacamanza n'abakozi bava mu miryango y'amategeko inyuranye kandi badahuje amateka, bakorera ku masaha y'akazi atandukanye, no kuba dusabwa kwibanda icyarimwe ku mirimo y'ubutabera y'insigarira ikomoka ku ntambara ebyiri zitandukanye cyane, nyuma y'ifunga ry'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda (TPIR) n'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho icyahoze ari Yugosilaviya (TPIY). Birumvikana ko nari nsanzwe nzi iyi miterere yihariye na mbere y'uko mba Perezida wa IRMCT kubera ko nabaye Umucamanza wa IRMCT kuva yajyaho mu mwaka wa 2012, nkaba kandi, mbere y'aho, naramaze imyaka myinshi ndi Umucamanza wa TPIY. Cyakora, natunguwe kandi ntanganzwa n'intera y'itandukaniro riri hagati ya IRMCT n'inkiko zayibanjirije.

N'ubwo manda twahawe yihariye kandi imbere hazaza hari inzitizi nyinshi, nzakomeza guharanira, mbere na mbere, ko imanza ziburanishwa ku mashami yombi ya IRMCT, Arusha n'i Lahe, zirangira bidatinze kandi mu buryo bunoze, hazirikanwa kandi uburenganzira abaregwa bafite bwo kuburanishwa mu buryo buboneye. Ikintu cya kabiri nzaharanira kandi ni ukunonosora ibyerekeranye no guhuza ibikorwa, imikorere n'imigenzereze hagati y'amashami yombi naho icya gatatu kikaba gukora ibishoboka byose kugira ngo, mu kazi, habeho umwuka utuma abakozi bakora bishimye kandi bagatanga umusaruro ushimishije. Ibi bijyanye n'ibikorwa nzibandaho, natangaje ngitangira inshingano zanjye nka Perezida, bisobanurwa mu nyandiko S/2019/417, ikubiyemo raporo ku mirimo ya IRMCT yerekeranye n'igihe cyo kuva ku itariki ya 16 Ugushyingo 2018 kugera ku ya 15 Gicurasi 2019. Ni ngombwa kwibutsa ko igice kimwe cy'iyi raporo cyerekeranye n'imirimo yakozwe muri IRMCT mu gihe Perezida Meron yari akiyiyobora kugera ku itariki ya 19 Mutarama uyu mwaka, ari bwo namusimbuye ku buyobozi bw'uru rwego rw'ingirakamaro.

Bwana Perezida,

Nk'uko bigaragara muri raporo mwashyikirijwe, IRMCT ikomeje gukorana umurava kugira ngo irangize imirimo yayo yerekeranye n'imanza. By'umwihariko, igice kinini cy'iyi mirimo cyakozwe n'Abacamanza bakorera ahandi hatari ku cyicaro cya IRMCT, babifashijwemo n'abakozi b'Ingereko bo ku byicaro by'Amashami yombi mu rwego rwo kubahiriza inshingano yo gukora mu buryo butuma umutungo ukoreshwa mu buryo bunoze. Mu myaka irindwi IRMCT imaze, Abacamanza bayo bateraniye ahantu hamwe incuro ebyiri gusa mu Nama rusange zibahuza. Inama rusange ya kabiri yahurije Abacamanza ahantu hamwe, ari na yo ya mbere yabereye ku cyicaro cy'Ishami ry'Arusha, yabaye mu ntangiriro z'uyu mwaka mu kwezi kwa Werurwe. Iyo nama yatubereye, jyewe na bagenzi banjye, umwanya mwiza wo kuganira ku bibazo bifatika by'ingenzi, gusura icyumba cy'iburanisha gishya no kumenya abakozi bacu bitangira umurimo wabo bari muri Tanzaniya. Iyi nama yabaye ingirakamaro kandi ndizera ko izajya ibaho nyuma y'igihe runaka.

Ku byerekeranye n'akazi, nshimishijwe no kubabwira ko urubanza rwa Karadžić mu bujurire rwasomwe ku itariki ya 20 Werurwe 2019, bikaba ari intambwe ikomeye kuri IRMCT

yarangije rumwe mu manza zayo z'ingenzi. By'umwihariko, kuburanisha urwo rubanza byarangiriye igihe n'ubwo habaye impinduka mu bagize inteko y'abacamanza mu gihe urubanza rwari rugeze kure cyane. Ndashimira cyane cyane Umucamanza Vagn Joensen wafashe inshingano za Perezida w'inteko, n'Umucamanza Ivo Nelson de Caires Batista Rosa washoboye kuzuza, adatinze, inshingano nyinshi kandi zikomeye yari ahawe, n'ubwo yari amaze igihe gito ashyizwe mu nteko iburanisha urwo rubanza.

Muri urwo rwego kandi, ku byerekeranye n'izindi manza ziburanishirizwa i Lahe, nshimishijwe no kubamenyesha ko impinduka zabaye mu mpera z'umwaka wa 2018 mu bagize inteko ishinzwe kuburanisha urubanza rwa Mladić mu bujurire, na zo zitakerereje iburanisha ry'urwo rubanza kubera ko rikomeje kugenda neza. Ndashimira Perezida w'inteko, Umucamanza Prisca Matimba Nyambe n'abandi Bacamanza bagize inteko kubera umwete wabo ndetse n'uw'abakozi bagize ikipe yunganira Ingereko watumye ingengabihe iteganya ko iburanisha ryarangira bitarenze mu mpera z'umwaka wa 2020 ikomeza kubahirizwa. Kuburanisha bundi bushya Stanišić na Simatović na byo bigeze ku ntera ishimishije, itangwa ry'ibimenyetso bishinjura rikaba ryaratangiye ku itariki ya 18 Kamena 2019. Kubera ubwitange bw'Umucamanza Burton Hall, Perezida w'inteko, ubwa bagenzi be bagize inteko n'ubw'abakozi bagira uruhare muri urwo rubanza, intego yo kurusoma mu rw'iremezo bitarenze mu mpera z'umwaka wa 2020 iracyakomeje.

Naho Arusha, biteganyijwe ko iburanisha ryerekeranye no gusubiramo imikirize y'urubanza rwa Ngirabatware rizaba muri Nzeri uyu mwaka. Nk'uko mushobora kuba mubizi, gusimbura Avoka wunganira Ngirabatware n'imenyekanisha ry'inyandiko nyinshi zo mu rubanza, rufitanye isano n'uru, rwerekeranye n'icyaha cyo gusuzugura Urukiko byatumye iryo buranisha ryari riteganyijwe kuba muri Nzeri 2018 ryigizwa inyuma.

Uretse izo manza zerekeranye n'ibyaha by'ibanze IRMCT ifitiye ububasha bwo kuburanisha, IRMCT yagejejweho imanza zinyuranye zerekeranye n'ibyaha byo gusuzugura Urukiko. Aha ndavuga, by'umwihariko, ku rubanza rwa Turinabo na bagenzi be ruregwamo abantu benshi. Umucamanza umwe rukumbi akomeje kuyobora imirimo ibanziriza iburanisha ry'urubanza no gusuzuma Ibyifuzo binyuranye bitangwa n'Abaregwa uko ari batanu. Biteganyijwe ko

iburanisha ryarwo rizatangira mu Ukwakira 2019 maze rikarangira mu mezi atandatu abanza y'umwaka wa 2020. Aha ndagira ngo nongereho ko Urugereko rw'Ubujurire mbereye Perezida na rwo rwashyikirijwe ubujurire bunyuranye bwerekeranye n'ibyemezo byatanzwe n'Umucamanza umwe rukumbi mu cyiciro mbanzirizarubanza, rukaba rukora ibishoboka byose kugira ngo bifatweho icyemezo mu buryo bwihuse bushoboka hanyuma iburanisha ry'urubanza rizatangirire igihe.

Urundi rubanza rwerekeranye no gusuzugura Urukiko, ruregwamo Petar Jojić na Vjerica Radeta, ubu rwagaruwe muri IRMCT. Mu mwaka wa 2018, uru rubanza rwoherererejwe ubuyobozi bwo muri Seribiya kugira ngo buruburanishe ariko ruza kugarurwa imbere y'Umucamanza umwe rukumbi nyuma y'ubujurire bwatanzwe n'Incuti y'Urukiko yashinzwe gukurikirana icyaha. Muri Gicurasi uyu mwaka, Umucamanza umwe rukumbi yavanyeho icyemezo cyari cyaratanzwe cyo kohereza urwo rubanza muri Seribiya maze asaba icyo gihugu kohereza Abaregwa imbere ya IRMCT bidatinze. N'ubwo Abaregwa batajuririye icyo Cyemezo, Seribiya yo yarabikoze, kandi ubwo bujurire burimo gusuzumwa n'Urugereko rw'Ubujurire.

Bwana Perezida,

Ibyo mumaze kumva byerekeranye n'igice kigaragara kurusha ibindi mu bigize manda ya IRMCT, ni ukuvuga imirimo yayo y'insigarira yerekeranye n'iburanisha ry'imanza. Birumvikana ko ibihugu birebwa n'akazi dukora kurusha ibindi, ari byo u Rwanda n'ibiri mu karere k'icyahoze ari Yugosilaviya, atari byo byonyine bikurikiranira hafi imanza zacu mu rw'iremezo no mu bujurire, cyane cyane ibyemezo, amategeko n'inyandiko z'imanza byacu, ahubwo ko hari n'ibindi bihugu bigize Umuryango w'Abibumbye ndetse n'abafatanyabikorwa benshi hirya no hino ku isi babikurikirana. Cyakora hari izindi nshingano IRMCT ihabwa na Sitati n'Amategeko byayo ariko abantu batitaho cyane, zirimo n'iyo kubungabunga umutekano w'abantu bakorewe ibyaha n'uw'abatangabuhamya, iyo kugenzura imanza zoherejwe mu nkiko z'ibihugu, iyo gusigasira ubushyinguranyandiko bwa TPIR, ubwa TPIY n'ubwa IRMCT ubwayo, gusubiza ku nyandiko zisaba ubufasha igezwaho n'inkiko zo mu bihugu no kugenzura uko ibihano birangizwa.

Ndagira rero ngo mbagezeho bimwe mu bitekerezo byanjye, kuva aho mbereye Perezida, ku nshingano zo gukemura bimwe muri ibi bibazo by'insigarira, nkaba nibanda ku byerekeranye no kurangiza ibihano.

Icya mbere nabonye gishobora kuba kigaragarira buri wese, ni uko ubutabera butarangirira ku isomwa ry'urubanza. Aha ndavuga ku bibazo, bibaho nyuma y'uko abaregwa bamaze gukatirwa, abantu bakunze kudasobanukirwa uko bikwiye kandi bigize igice cy'ingenzi cy'imirimo ya IRMCT. Sitati n'Amategeko bya IRMCT bimpa, nka Perezida wa IRMCT, ububasha busesuye bwo kugenzura uko ibihano birangizwa, kandi izo nshingano sinzifata nk'izoroheje. Gusuzuma ibyerekeranye n'aho uwakatiwe agomba kurangiriza igihano, niba agomba kwimurwa akajya kurangiriza igihano ahandi cyangwa niba umuntu yujuje ibisabwa kugira ngo abe yakwemererwa gufungurwa mbere y'igihe, yagirirwa imbabazi cyangwa yagabanyirizwa igihano ni ingingo zigomba kwitabwaho cyane. Izo ngingo kandi ni izo kwitonderwa cyane kubera ko zifitanye isano n'ibintu birimo uburengazira bw'abafungwa kandi byerekeranye n'ibihano bitangwa nyuma y'urubanza ruvunanye rwerekeranye n'ibikorwa binyuranya bikomeye n'amategeko mpuzamahanga ahana ibyaha, kandi kenshi rumara igihe kirekire mu rw'iremezo no mu bujurire. Inshingano yanjye ni ukubahiriza amategeko buri gihe, kandi nzakomeza kuyubahiriza mu buryo buboneye, bwuzuye kandi mu mucyo wose ushoboka. Ndibutsa ko, hashingiwe kuri Sitati n'Amategeko bya IRMCT, ibyemezo nk'ibyo bijyana n'ububasha busesuye bwa Perezida kandi bigasaba isuzuma rishingiye ku miterere yihariye ya buri muntu wakatiwe bireba no gushyira ku munzani impamvu zoze zigomba kwitabwaho.

Icya kabiri, nk'urwego rw'ubutabera, IRMCT igomba gukurikiza byimazeyo inshingano yayo yo kubahiriza uburenganzira bw'abafungwa bayo bose, baba abategereje kuburanishwa, abarimo kuburanishwa cyangwa abategereje kwimurirwa mu gihugu bazarangirizamo ibihano. Kuva ku itariki ya 5 Ukuboza 2018, IRMCT igendera ku mategeko mashya mu byerekeranye n'ifungwa, kandi nsanga ayo mategeko ashobora kubera urugero izindi nzego. Kuri iyi ngingo, IRMCT yagendeye ku kuba hari hakenewe guhuza imikorere hagati ya Gereza ya Arusha n'iy'i Lahe hamwe no ku mategeko yatangajwe n'Inteko Rusange ubwo yemezaga Amategeko yitiriwe Nelson Mandela (A/RES/70/175). Byongeye kandi, IRMCT

yashatse kubakira kuri ayo mategeko ngenderwaho maze ishyiraho amabwiriza arambuye yerekeranye n'uko abafungwa basurwa, uko bavugana cyangwa bandikirana n'abandi bantu, uko bamenyekanisha ibibazo bafite, n'ibibazo byerekeranye na disipurine muri Gereza. IRMCT izakomeza kwibanda ku buryo butuma ukuntu yubahiriza ayo mategeko binagaragaza imikorere myiza ngenderwaho mu byerekeranye n'imicungire ya gereza.

Icya gatatu, mu kurangiza imirimo yayo yerekeranye n'irangizwa rw'ibihano, IRMCT izakomeza kwisunga inkunga y'ibihugu bigize Umuryango w'Abibumbye n'abandi bafatanyabikorwa b'ingenzi. Birumvikana ko kugira ngo ibikorwa byacu bigire ingaruka nziza zirambye ku mahoro n'ubutabera mpuzamahanga, tugomba twese gukomeza gushyigikira iburanisha ry'imanza mu rw'iremezo no mu bujurire ndetse n'imirimo y'ubutabera irimo gukorwa, tutibagiwe no kwita ku biza nyuma y'ibyo. Mu mezi atandatu maze ku mwanya wa Perezida, nabashije kumva neza kurushaho uburyo irangizwa ry'ibihano rikubiyemo ibintu by'urusobe n'uburyo iyo nshingano ari ingenzi. Muri urwo rwego, ndashima uruhare runini rw'ibihugu byakira abafungwa bakatiwe, byemera ku bushake bwabyo gufata inshingano z'inyongera hagamijwe gushimangira ubutabera mpuzamahanga. By'umwihariko, ndashimira igihugu cya Autriche, Benin, Denmark, Estonia, Finland, u Bufaransa, u Budage, u Butaliyani, Mali, Norvège, Pologne, Sénégal, Suède n'u Bwongereza kubera ubuntu bwabyo n'inkunga bikomeza gutanga mu byerekeranye n'inshingano za IRMCT zirebana n'irangizwa ry'ibihano.

Iyi mikoranire ntangarugero si ngombwa cyane gusa ku byerekeranye n'ubushobozi bwa IRMCT bwo kubahiriza inshingano zayo muri rusange, ahubwo ni n'ikimenyetso kigaragaza icyizere umuryango mpuzamahanga ufitiye urwego rwacu. Kubera iyo mpamvu, ni ngombwa ko mvuga ikibazo gikomeye kandi kibabaje kitabwaho na IRMCT. Aha ndashaka kuvuga ikibazo cy'abantu icyenda barimo abagizwe abere hamwe n'abafunguwe bakiri Arusha, umwe muri bo akaba ahari kuva mu mwaka wa 2004, mu gihirahiro cyo mu rwego rw'amategeko kidakwiye kwihanganirwa. Abo bantu bagombye kwemererwa gutangira ubuzima bushya nyuma yo kurangiza ibihano bakatiwe cyangwa se kubera ko batigeze bahamwa n'icyaha na mbere, nyamara ibyo ntibashoboye kubikora. N'ubwo IRMCT ikora ibishoboka byose ngo icyo kibazo kibonerwe umuti urambye, imibereho y'abo bantu icyenda ni inshingano IRMCT isangiye n'ibihugu bigize Umuryango w'Abibumbye, nk'uko

bigaragara mu Cyemezo cya 2422 (2018) [cy'Inama Ishinzwe Amahoro ku Isi]. Hari byinshi bishobora gukorwa kugira ngo iki kibazo kibonerwe umuti, kandi bigomba gukorwa.

Bwana Perezida,

Kuri jye rwose ni ibyishimo byiyongera ku bindi kuba ndi imbere y'Inama Ishinzwe Amahoro ku Isi ku Munsi w'Ubutabera mpanabyaha mpuzamahanga, umunsi twizihizaho ibyagezweho n'inkiko mpanabyaha mpuzamahanga mu gutanga ubutabera no gucira imanza abakekwaho ibyaha byo kunyuranya bikomeye n'amategeko mpuzamahanga. Uyu munsi turashima icyerekezo n'ubwitange by'abantu bose, imiryango n'abafatanyabikorwa baharaniye kandi bagiharanira n'ubu ko ubutabera butaba gusa intego igaragara mu bitekerezo gusa. Impamvu nyirizina y'uyu munsi ukomeye, ni ukuvuga iyemezwa rya Sitati y'Urukiko Mpanabyaha Mpuzamahanga yashyiriweho umukono i Roma, ntiyari kubaho iyo TPIR na TPIY ziba zitarateguye inzira kugira ngo habeho icyo gikorwa cy'ingirakamaro. Ishyirwaho rya IRMCT nk'urwego rusimbura izo Nkiko ebyiri zidahoraho rigaragaza kandi uburyo Inama ishinzwe Amahoro ku Isi ishyigikiye ko abantu bagomba kujya baryozwa ibyaha bakora, rikanagaragaza kandi n'ubushake mufite bwo gukora ibikenewe kugira ngo ifunga ry'izo Nkiko ridaha icyuho umuco wo kudahana ngo wongere uganze.

Kuri uyu munsi, turahamagarirwa kandi kwibuka ko ubutabera mpanabyaha mpuzamahanga atari inshingano y'inkiko zonyine. Abantu bose bashyigikiye ihame ryo kugendera ku mategeko bafite uruhare rw'ingenzi mu kurwanya umuco wo kudahana, cyane cyane muri iki gihe guhakana no gupfobya jenoside bigenda bifata indi ntera mu cyahoze ari Yugosilaviya no mu Rwanda. Urwo ruhare rukubiyemo no kubungabunga imirimo n'ibyemezo by'ubutabera, no kwamagana abagerageza guhindura ukuri kwagaragajwe n'inkiko mpuzamahanga n'izo mu bihugu. Bityo rero, abagerageza guhakana ko imyanzuro ya TPIR, TPIY na IRMCT yemewe n'amategeko, bagomba kwibutswa ko izo nzego ari zo zonyine mwebwe, nk'Inama Ishinzwe Amahoro ku Isi, mwahaye ububasha bwo gukora iperereza, gukurikirana, kuburanisha no guhana ibyaha byakozwe mu cyahoze ari Yugosilaviya no mu Rwanda. Muri urwo rwego kandi, bagomba kwibutswa ko inkiko zo mu bihugu ari zo zifite ububasha bwo gukomeza izo nshingano aho kugirwa n'abanyaporitike cyangwa abantu ku

giti cyabo. Ndabasaba mwese rero kurinda no kubungabunga umurage wacu wo mu rwego rw'amategeko, wagaragaje incuro nyinshi kandi ku buryo budashidikanywaho, ko ibyabaye kuri iyi si mu mwaka wa 1994 n'uwa 1995 ari jenoside na bimwe mu byaha mpuzamahanga bikomeye cyane kandi byaranzwe n'ibikorwa bya kinyamaswa bikabije.

Ubutabera mpanabyaha mpuzamahanga buratureba twese kubera ko ubutabera bugamije gushyigikira amahoro, kandi, nk'uko iyi nteko ibizi neza, amahoro agomba kubungwabungwa umunsi ku wundi. Ishusho y'ukuntu isi inyotewe n'ubutabera, nayiboneye neza i Kigali mu Rwanda muri Mata uyu mwaka, ubwo nitabiraga umuhango wo kwibuka ku ncuro ya 25 jenoside yakorewe Abatutsi ndetse n'i Potočari, mu cyumweru gishize, ubwo nitabiraga umuhango wo kwibuka ku ncuro ya 24 jenoside yabereye i Srebrenica. Iyo mihango yombi yashimangiye icyo nemera, ari byo ko, n'ubwo ubutabera mpuzamahanga butinda kandi bugatwara amafaranga menshi, ari ngombwa ku bantu bakorewe ibyaha no ku miryango yagizweho ingaruka, kubera ko bituma basa n'abaruhutse umutwaro bari bikoreye kandi bikanatanga imbaraga zihamye zo gukomeza urugendo rw'ubuzima. Cyakora, tugomba kuzirikana ko ubutabera bunafite abanzi bahora baharanira ko hatagira ababaryozwa amarorerwa atagira ingano abera hirya no hino ku isi.

Bwana Perezida,

Niyemeje gukora ibishoboka byose kugira ngo ubushobozi bwa IRMCT bugere ku kigero cyo hejuru cyane mu mirimo yayo yo gutanga ubutabera bugaragara no kurangiza inshingano zose zerekeranye na manda yayo mu buryo bunoze kandi bwihuse cyane. Abandi Bacamanza bagenzi banjye, abayobozi bakuru ba IRMCT ndetse n'abakozi bacu b'indashyikirwa na bo bashyigikiye iyi ntego. Cyakora, ibyo ntitwabigeraho twenyine. Kugira ngo ubutabera mpuzamahanga bugere ku ntego yabwo, biterwa n'inkunga irambye n'ubufatanye duhabwa, muri iki gihe n'ikindi gihe cyose. Ndizera nkomeje ko IRMCT izakomeza kubona ubwo bufasha buvuye ku bihugu bigize iyi Nama Ishinzwe Amahoro ku Isi. Ndabashimira byimazeyo kubera inkunga mwaduteye kugeza ubu.

Mbere y'uko nsoza, munyemerere Bwana Perezida, mbashimire kuba mwarahawe kuyobora iyi Nama mu kwezi kwa Nyakanga, kandi nabashimire, by'umwihariko ukwitanga kwanyu n'imiyoborere izira amakemwa mugaragaza nka Perezida w'Itsinda ry'akazi ry'Inama Ishinzwe Amahoro ku Isi, ryashyizweho bitanyuze mu nzira zisanzwe, ku byerekeranye n'Inkiko Mpuzamahanga. Ndashimira kandi Ibiro bishinzwe ibirebana n'amategeko hamwe n'ikipe y'abantu bitanga babikoramo kubera inkunga yabo itagereranywa.

Hanyuma, ndashimira mbikuye ku mutima ibihugu byombi bicumbikiye Amashami ya IRMCT, ari byo U Buholandi na Repubulika Yunze Ubumwe ya Tanzaniya, kubera inkunga y'ingirakamaro bakomeza kudutera.

Murakoze.