NATIONS UNIES
Mécanisme international appelé à exercer les fonctions résiduelles des Tribunaux pénaux

Le Mécanisme international appelé à exercer les fonctions résiduelles des Tribunaux pénaux (le « Mécanisme ») a été créé le 22 décembre 2010 par le Conseil de sécurité de l'ONU pour continuer à exercer les compétences, les droits, les obligations et les fonctions essentielles du Tribunal pénal international pour le Rwanda (le « TPIR ») et du Tribunal pénal international pour l'ex-Yougoslavie (le « TPIY »), qui ont fermé en 2015 et 2017 respectivement.

IJAMBO

POROKIRERI

(Destiné exclusivement à l'usage des médias. Document non officiel)

Arusha, La Haye, 14 Kamena 2022

Ijambo Porokireri mukuru wa IRMCT Brammertz yagejeje ku Nama ya Loni Ishinzwe Umutekano ku ya 14 Kamena 2022

Nyakubahwa Perezida, ba Nyakubahwa,

Murakoze kuri uyu mwanya wo kubagezaho ibikorwa by'ibiro by'umushinjacyaha mukuru w'Urwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y'Insigarira y'Inkiko Mpanabyaha.

Inyandiko zanjye zanditse hamwe na raporo z'imikorere, zitanga ibisobanuro birambuye kubikorwa byacu, n'ibyagezweho mu gihe cyo gutanga raporo bijyanye nibyo dushyira imbere. Uyu munsi, ndashaka kwerekana ingingo nkeya z'ingenzi.

Ku ikubitiro, ndashaka gushimira Akanama k'Umuryango w'Abibumbye Gashinzwe Umutekano ku buryo gakomeje gusuzuma Urwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y'Insigarira y'Inkiko Mpanabyaha, ndetse na OIOS kuri raporo iheruka gukora ku mikorere yacu. Igikorwa cyo gusuzuma ni ingenzi mu mikoranire mu buryo burambuye hagati y'ubuyobozi bw'Urwego dukoreramo hamwe n'abagize iyi Inama.

Nishimiye ibitekerezo n'ibibazo byatanzwe ejo ubwo twahuraga n'abagize akanama k'imirimo idasanzwe (Informal Working Group), kandi ntegereje kumva amagambo muributugezeho uyu munsi.

Nyakubahwa Perezida, ba Nyakubahwa,

Nejejwe cyane no kubamenyesha ko mu myaka ibiri ishize, Ibiro byanjye byakurikiranye kimwe cya kabiri cy'abatorotse ubutabera nyuma yo gufunga ICTR. Ibi bikubiyemo abahunze ubutare batatu bashakishwaga cyane aribo: Felicien Kabuga, Augustin Bizimina, kandi nkuko twabitangaje mu byumweru bike bishize, Protais Mpiranya wahoze ayobora ingabo zarindaga Perezida.

Nyuma yo kugirwa umushinjacyaha w'uru rwego mu 2016, gushakisha abahunze ubutabera nabigize intego nyamukuru harimo no kubageza imbere y'ubutabera. Nyuma yo gusuzuma neza imbaraga zakoreshejwe mu bihe byahise, Ibiro byanjye byafashe ingamba z'ingenzi zo kunoza no gushimangira imbaraga zacu zo gukurikirana abahunze ubutabera.

Twahinduye itsinda ryacu rikurikirana abahunze ubutabera, kandi hamwe n'inkunga y'inyongera, twashakishije abashakashatsi n'abasesenguzi bafite ubumenyi bukenewe. Twongeye kandi guhindura ibikorwa byacu. Aho kwishingikiriza gusa ku makuru aturuka mu bantu, twahuje iperereza ry'imbitse hamwe n'ubuhanga buhanitse bwo gusesengura, harimo itumanaho, isesengura ry'ikoranabuhanga rirebana n'imari n'amakuru.

Ibyo twagezeho bifite akamaro.

Ku bahohotewe na Jenoside yakorewe Abatutsi muri 1994, ntibyakwihanganirwa ko abakorewe impapuro z'ubutabera ku byaha by'amahano bakomeza kwihisha ubutabera. Nubwo nta kintu na kimwe gishobora guhanagura ububabare bw'abahohotewe, turizera ko bishimiye ko guhiga abahunze ubutabera bikomeje.

Ku Nama Ishinzwe Umutekano n'umuryango mpuzamahanga, intsinzi nk'izi zongera kwerekana imbaraga z'uko twiyemeje guha ubutabera abahohotewe, nubwo hashize igihe.

Kandi ku rwego nkorera n'ibiro byanjye, turi hafi yo kugeza iyi nshingano ikomeye ku musozo.

Ubu hasigaye abantu bane gusa bahunze ubutabera, harimo uwo dushira imbere, Fulgence Kayishema.

Kuri iyi ngingo, nifuzaga kubamenyesha ko nyuma y'Imyaka mike itoroshye, ubu hari intambwe irimo guterwa na Repubulika ya Afrika y'Epfo. Kubera inkunga ya Perezida wa Afurika y'Epfo na Guverinoma ye, hashyizweho itsinda rishinzwe gukurikirana ibi ibikorwa kugira ngo rifashe Ibiro byanjye. Amakipe yacu yagiranye ibiganiro bizatanga umusaruro muri Pretoriya mu byumweru bitatu bishize, kandi Ibiro byanjye byatanze ibyifuzo byabyo bya mbere.

Twizeye ko hamwe n'ubufatanye bwuzuye kandi bunoze bwa Afrika y'Epfo, guhunga ubutabera kwa Kayishema vuba aha bizarangira. Intego yacu ni ukuba twarakurikiranye abantu bane bose basigaye bahunze ubutabera mu gihe akanama gashinzwe umutekano kazongera gusuzuma imirimo y'urwego rwacu rwa *Mechanism.*

Nyakubahwa Perezida, ba Nyakubahwa,

Turakomeza kandi imikorere yacu kugirango turangize imanza n'ubujurire bisigaye.

Mu rubanza rwa *Kabuga*, Ibiro byanjye byiteguye ko urubanza rutangira.

Twafashe kandi ingamba zikomeye kugirango iburanisha rirangire vuba. Twatanze ibimenyetso bya benshi mu batangabuhamya bacu mu nyandiko, bigomba kugabanya cyane igihe cy'urukiko gisabwa kugira ngo tuburane, ari nako tuzagabanya uburebure bw'urubanza muri rusange.

Ibiro byanjye bikomeje kuburana imanza ziri mu bujurire zigikomeza. Muri *Fatuma* n'abandi, dutegereje itangazwa ry'urubanza mu mpera z'uku kwezi. Mu rubanza rwa *Stanišić na Simatović*, twasoje inyandiko zacu mu ntangiriro z'uyu mwaka, none turimo kwitegura kuburana mu magambo.

Ibiro byanjye bikomeje kugira intego yo kugeza ubutabera ku bahohotewe mu Rwanda no mu cyahoze cyitwa Yugosilaviya mu gihe dufata ingamba zose mu nshingano zacu kugira ngo izo manza zirangire vuba bishoboka.

Nyakubahwa Perezida, ba Nyakubahwa,

Inama y’Umuryango w’Abibumbye Ishinzwe Umutekano imaze kubona ko inkiko z’ibihugu zikomeje imirimo ya ICTR na ICTY, yategetse ibiro byanjye gusubiza ibyifuzo by’abashinzwe iperereza mu bihugu ndetse n’ubushinjacyaha ku isi. Kubera iyo mpamvu, gufasha inkiko z'ibihugu gukurikirana ibyaha mpuzamahanga byakorewe ahahoze Yugosilaviya n'u Rwanda bikomeje gushyirwa imbere.

Mugihe Ibiro byanjye bigenda byegereza kurangiza imanza zacu za nyuma no gukurikirana abahunze ubutabera ba nyuma, ni ngombwa kwiyibutsa ko hasigaye imanza ibihumbi zigikeneye kurangizwa mu nkiko z’ibihugu.

Umushinjacyaha mukuru w’u Rwanda aracyashaka gukurikirana abantu barenga igihumbi bahunze ubutabera kandi bashinjwa icyaha cya jenoside.

Muri Bosiniya na Herzegovina, Korowasiya na Seribiya, haracyariho abantu barenga ibihumbi bitatu bakekwaho kuba barakoze ibyaha by'intambara, ibyaha byibasiye inyoko muntu na jenoside bagomba gukorwaho iperereza no gukurikiranwa.

Ubufasha bw’ibiro byanjye ni ubw’ingenzi mu kurangiza iki gikorwa. Icyegeranyo cy’ibimenyetso dufite gikubiyemo impapuro zirenga miriyoni cumi nimwe z’ubuhamya, raporo hamwe n’izindi nyandiko abashinjacyaha bo ku rwego rw’igihugu bakeneye. Abakozi bacu bafite ubumenyi bw’inzobere mu byaha n’ababikoze.

Ibi bigaragarira mu mibare isaba ubufasha twakira buri mwaka. Muri 2013, twakiriye hafi ubusabe 100 bw’ubufasha mu butabera. Muri buri myaka ibiri ishize, twakiriye hafi 400. Ibyifuzo bya vuba nabyo birushaho kugira uburemere n’akamaro. Dufatiye ku mibare myinshi y’imanza zigomba kurangira hamwe n’ingamba z’ibyaha by’intambara mu bihugu, turateganya ko uru rugendo ruzakomeza mu myaka iri imbere itari mike.

Nyamara n’ubwo dutanga inkunga, abashinjacyaha b’igihugu bahura n’ibindi bibazo bikomeye.

Mu cyahoze cyitwa Yugosilaviya, ikibazo gikomeye kiracyari ubufatanye mu bucamanza.

Vuba aha, Ibiro byanjye byafashije kubaho kw’imikoranire myiza hagati ya Bosiniya na Herzegovina na Seribiya. Abashinjacyaha bakuru bireba bakomeje kungurana ibimenyetso na dosiye kugirango barusheho kunoza imikorere yabo.

Ariko ibi ibihugu byombi bifite ibibazo bikomeye byo kubona ubufatanye na Korowasiya. Nkuko raporo yanjye yanditse ibivuga, Guverinoma ya Korowasiya ifata ibyemezo bya politiki bibangamira akazi k’ubutabera. Nk’urugero, abashinjacyaha bo muri Bosiniya na Herzegovina bategereje ubufatanye mu manza zirenga mirongo inani, zimwe murizo zikaba zimaze imyaka irindwi.

Mu myaka icumi ishize, Korowasiya yari ku isonga mu bikorwa byo kunoza ubufatanye mu bucamanza mu karere mu manza z'intambara. Muri iki gihe, abantu benshi bavuga ko muri Korowasiya hari ubushake bwo gukurikirana mu by'ubutabera abahohotewe bafitanye isano na Korowasiya ariko atari ku bahohotewe baturuka mu yandi moko.

Hariho intambwe yoroshye Korowasiya ishobora gutera kugirango itangire ihindure icyo gitekerezo: Kwohereza ibyifuzo byose bitegereje ubufasha byahagaritswe na minisiteri y'ubutabera mu buyobozi bw'ubucamanza bireba, no kubashishikariza gukemura byihutirwa ibyo byifuzo.

Ndasaba kandi ibihugu byahoze ari Yugosilaviya gushyira ku ruhande itandukaniro rya politiki no kongera ubufatanye bwabo mu gushakisha ababuze. Iki ni igikorwa cy'ubumuntu.

Ku bijyanye n'u Rwanda, Ibiro byanjye byagiye bigaragaza ko hakenewe imbaraga nyinshi kugira ngo abajenosideri babarizwa mu bindi bihugu, cyane cyane mu Burayi no muri Afurika bakurikiranwe. Abashinjacyaha bo muri ibi bihugu bazi neza ko abenegihugu b'u Rwanda bakekwaho itsembabwoko baba mu bihugu byabo. Ikibazo gishingiye ku byihutirwa muri ibyo bihugu n'ubushobozi, ariko rimwe na rimwe ku ubushake buke bwa politiki.

Nubwo byumvikana ko leta ziyobora abapolisi n'ubushinjacyaha kwibanda ku byaha bikorwa uyu munsi, ibyo ntibishobora kuba urwitwazo rwo kudakora iperereza no guhana ibyaha bya jenoside byakorewe mu Rwanda mu myaka 20 ishize. Ibyo twiyemeje birimo guca burundu no guhana ibyaha mpuzamahanga, bigomba kuba ku isi hose.

Ibiro byanjye bizakomeza gukorana n'abafatanyabikorwa bacu bo mu bihugu kugirango basubize ubusabe bw'ubufasha bwabo kandi bigobotore ibibazo bahura nabyo. Abahitanywe na Jenoside yakorewe Abatutsi mu Rwanda kimwe n'abahitanywe n'ibyaha byakozwe mu gihe cy'amakimbirane mu cyahoze ari Yugosilaviya bakomeje kwitabaza Ibiro byanjye n'Inama ishinzwe umutekano kugira ngo dushyigikire ibikorwa by'ubutabera.

Muri rusange, ku bijyanye n'u Rwanda ndetse n'ibihugu byahoze ari Yugosilaviya, guhakana jenoside no guhimbaza abagizi ba nabi b'intambara bikomeje kubaho. Ntabwo imyitwarire nkiyi yashobora kwihanganirwa, ituka abahohotewe ikaba yanabiba imbuto z'amakimbirane.

Nyakubahwa Perezida, ba Nyakubahwa,

Kubijyanye na gahunda yo gusuzuma ihoraho, na raporo ya OIOS, Ibiro byanjye birashimira ko uburyo twiyemeje gushyira mu bikorwa icyerekezo cy'Inama y'Umutekano ku miterere y'urwego rwacu, kuba ari "rutoya, rw'agateganyo kandi rukora neza" bikomeje kugaragara no kugenda neza.

OIOS yasanze Ibiro byanjye byarafashe ingamba mugihe cyo gusuzuma "byagaragazaga kwibanda ku gushira mu bikorwa ibyasabwe n'inama y'umuryango w'abibumbye ishinzwe umutekano." OIOS yakomeje ivuga ko ndetse hamwe no kugira abakozi b'ibanze gusa, Ibiro bya Porokireri byahinduye imikorere mu buryo bworoshye kugira ngo bitange ibisubizo ndetse n'ibikoresho byagiye byoherezwa aho byari bikenewe cyane.

OIOS yashoje ivuga ko Ibiro byanjye byashyize mu bikorwa ibyifuzo byayo ko dushyigikira kandi dushimangira imyitwarire y'abakozi, iki kigakunda kuba ari ikibazo gikomeye mu kigo kigabanya abakozi. Ni muri urwo rwego, OIOS yasanze "uko ibiro byagabanutse, itsinda rito ryafashijwe n'ubuyobozi kugira ngo riteze imbere umwuka mwiza n'umurimo mwiza."

Kubijyanye n'ibisubizo byacu, Ibiro byanjye byishimiye ko mugihe cyo gusuzuma, ingamba z'ingenzi zafashwe kugirango dusohoze inshingano zacu. Twabonye ibihano mu manza eshatu z'ingenzi, arizo urubanza rwa *Stanišić na Simatović* na *Nzabonimpa n'abandi*, ndetse n'ubujurire bwa *Mladić*. Nkuko nabivuze mbere, mumyaka ibiri ishize twakurikiranye kimwe cya kabiri cyabatorotse ubutabera bari basigaye batarafatwa nyuma yo gufunga ICTR.

Ibi ni ibisubizo bifatika byatanze ubutabera kubahohotewe mugihe nanone biganisha iyo mirimo isigaye hafi y'umusozo.

Mugihe tureba imbere, Ibiro byanjye bizakomeza gukoresha uburyo n'ibikorwa byashizeho ibimenyetso byagaragaje imikorere myiza mu myaka ya vuba.

Nyakubahwa Perezida, ba Nyakubahwa,

Mu gusoza, ndashaka kuboneraho umwanya wo gushimira Perezida Agius ku byo yagezeho igihe yari ku butegetsi kandi ndamushimira ku buyobozi bwe.

Mu gihe yari Perezida w'uru rwego, Urwego dukorera rwagize intsinzi z'ingenzi. Imanza nyinshi z'ingenzi zarasojwe hakurikijwe iteganyagihe y'ubucamanza. Kandi ku buyobozi bwe, abayobozi bashizeho umubano wa hafi wo kuyobora uru rwego rwa *Mechanism* bituma tunyura neza mu bibazo bikomeye nka COVID-19.

Nsoza, mwizina ry'ibiro byanjye, dukomeje gushimira uburyo iyi nama idushigikira mu byo dukora byose.

Murakoze kuntega amatwi.

****