UMURYANGO W'ABIBUMBYE
Urwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y'Insigarira y'Inkiko Mpanabyaha

Urwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y'Insigarira y'Inkiko Mpanabyaha ("IRMCT") rwashyizweho n'Inama Ishinzwe Amahoro ku Isi y'Umuryango w'Abibumbye ku itariki ya 22 Ukuboza 2010 kugira ngo rukomeze ububasha, uburenganzira, inshingano n'imirimo y'ingenzi by'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda ("TPIR") n'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho Icyahoze ari Yugosilaviya ("TPIY"), zafunze imiryango mu mwaka wa 2015 no mu wa 2017, uko zikurikirana.

DISIKURU

PEREZIDA

(Iyi nyandiko igenewe gukoreshwa n'itangazamakuru gusa. Ntigenderwaho mu mirimo ya IRMCT)

New York, 12 Ukuboza 2022

Ijambo Umucamanza Graciela Gatti Santana, Perezida w'Urwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y'Insigarira y'Inkiko Mpanabyaha, yagejeje ku Nama Ishinzwe Amahoro ku Isi y'Umuryango w'Abibumbye, 12 Ukuboza 2022

Nyakubahwa Perezida,

Ba Nyakubahwa,

Namwe mwese muteraniye aha,

Mwaramutse! Ni ishema rikomeye kandi ni iby'agaciro kuba, uyu munsi, mpagaze imbere yanyu kugira ngo mbagezeho Raporo ya 21 ku mirimo y'Urwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y'Insigarira y'Inkiko Mpanabyaha. Ibi ndabikora nka Perezida mushya wa IRMCT. Nzirikana uyu mwanya wihariye, ndagira ngo mbashimire kubera icyizere mwangiriye nabizeza ko nzayobora IRMCT mu buryo bw'intangarugero kandi bukwiye. Nzatera ikirenge mu cya Perezida wambanjirije, Umucamanza Carmel Agius, ngira ngo nshimire mu ruhame. Ubugwaneza bwe hamwe n'ubushobozi bwo gukemura ibibazo mu buryo bushyize mu gaciro bikwiye kutubera urugero igihe turi mu bihe bitoroshye.

Nyakubahwa Perezida,

Nejejwe no kubamenyesha ko IRMCT, urwego rugizwe n'amashami abiri, ikomeje imirimo yayo nta kujegajega, ibyo bikaba bijyana n'ibikorwa bifatika bigenda bigerwaho mu rwego rwo kuzuza inshingano zayo no kugira ngo ibe koko urwego rukora imirimo y'insigarira. Inzego zikora neza iyo abantu bazigize na bo bakora neza. Mu mezi atanu maze ntangiye inshingano, niboneye uburyo Abacamanza n'abakozi bakora batizigama, bose bakorana umurava kugira ngo batere intambwe igaragara mu byerekeranye n'imanza zikiburanishwa na IRMCT. Muri uru rwego, nyuma yo gupfundikira urubanza rwa Fatuma na bagenzi be rwo gusuzugura Urukiko, ku itariki ya 29 Kamena 2022, nk'uko byari biteganyijwe kuri

gahunda twari twihaye mu ntangiriro, dusigaranye imanza z'ibanze ebyiri gusa, zombi zerekeranye n'ibyaha by'ibanze.

Ndagira ngo mbanze mvuge ku rubanza rwa Félicien Kabuga, rwatangiye kuburanishirizwa i Lahe ku itariki ya 29 Nzeri kandi imirimo y'iburanisha ikaba igenda neza. Urugereko rwa Mbere rw'Iremezo rurateganya ko mbere y'uko Abacamanza ba IRMCT bajya mu kiruhuko gisoza umwaka, kizatangira ku itariki ya 26 Ukuboza, ruzaba rumaze kumva abatangabuhamya bashinja 20 muri 50 bazatanga ubuhamya mu Rukiko. Uburyo bushya bukurikizwa mu iburanishwa ry'uru rubanza bugaragaza imikoranire iboneye hagati y'amashami agize IRMCT n'ubushake butajegajega bw'Urugereko rwa Mbere rw'Iremezo bwo kuruburanisha mu buryo bwihuse bushoboka, hubahirijwe, mu buryo bwuzuye, amategeko n'uburenganzira bw'Uregwa bwo kuburanishwa mu buryo buboneye. Uretse icyumba cy'iburanisha cy'i Lahe, abatangabuhamya n'Avoka bashobora no gukurikirana iburanisha nta nkomyi bari ku Ishami ry'Arusha no ku Biro bya IRMCT, i Kigali, ndetse n'Uregwa ashobora kwitabira iburanisha ahibereye cyangwa ari muri Gereza y'Umuryango w'Abibumbye. Abacamanza bunganirwa n'ikipe irangwa n'ubwitange y'abanyamategeko bakorera ku mashami yose. Nashyizeho Umucamanza w'ingoboka kugira ngo imirimo y'iburanisha ntibe yahagarara mu gihe umwe mu Bacamanza bagize inteko agize impamvu zituma adashobora kwitabira iburanisha. Biracyateganyijwe ko iburanisha ry'uru rubanza mu rw'iremezo rizarangira bitarenze muri Nzeri 2024.

Ku rundi ruhande, urubanza rwa Stanišić na Simatović mu bujurire, ruburanishwa n'Inteko nayoboye kuva muri Nyakanga, rugenda neza. Inama ntegurarubanza itaha izaba ku itariki ya 19 Mutarama 2023, naho iburanisha mu bujurire, rizaba ababuranyi bahibereye, riteganyijwe ku itariki ya 24 n'iya 25 Mutarama 2023. Ndemeza ndashidikanya kandi mbyemeranya n'Abacamanza bagize inteko ko, aya maburanisha y'ingenzi naba, isomwa ry'uru rubanza mu bujurire rizaba bitarenze muri Kamena 2023. By'umwihariko, muri uru rubanza, uretse njyewe, Abacamanza bagize Inteko bose bakora akazi kabo batari mu cyumba cy'iburanisha.

Byongeye kandi, IRMCT yateye intambwe ikomeye mu birebana n'indi mirimo ikomeje gukora yerekeranye n'imanza, ikomoka ku nshingano zinyuranye, nk'izerekeranye no kurinda umutekano w'abantu bakorewe ibyaha n'uw'abatangabuhamya, gutera inkunga inkiko z'ibihugu no kugenzura imanza zimuriwe mu nkiko z'ibihugu ndetse n'irangizwa ry'ibihano. Akenshi, ibi bibazo biba bigomba gufatwaho ibyemezo n'Abacamanza ba IRMCT cyangwa Perezida wayo kandi bisaba ubwitange

buhoraho n'amikoro kugira ngo imirimo y'ubutabera yose ishobore kurangizwa neza. Mu nama rusange baherutse gukora bahibereye, yateranye kuva ku itariki ya 28 kugera ku ya 30 Ugushyingo 2022, Abacamanza babonye umwanya uhagije wo kurushaho gusuzuma ibi bibazo mu buryo bwimbitse.

Nyakubahwa Perezida,

Mu ntangiriro z'uyu mwaka, Inama Ishinzwe Amahoro ku Isi yasuzumye aho imirimo ya IRMCT igeze maze, muri Kamena, ifata Icyemezo cya 2637 (2022). Isuzuma ry'aho imirimo igeze riba ari umwanya wihariye wo kureba ibikwiye kuvugururwa no kurushaho kunoza imikorere. Kuba icyo Cyemezo kiriho kuva natangira manda yanjye byamfashije kugena imirimo nshyize imbere muri manda yanjye nka Perezida wa IRMCT ndetse n'ibindi bintu by'ingenzi nzibandaho. Muri urwo rwego nagira ngo mbasabe munyemerere ngire icyo mbivugaho.

Icya mbere, icyo Cyemezo gihamagarira ibihugu byose gufatanya byimazeyo na IRMCT. Iyi ni impuruza ku bihugu kugira ngo bigire icyo bikora ku byaha byose bikubiye mu Ngingo ya 1 ya Sitati ya IRMCT. Icyaha cyo gusuzugura Urukiko ni kimwe muri ibyo, aho kuba gusa igikorwa cyo kubangamira imiburanishirize y'urubanza, nk'uko intumwa z'igihugu kimwe zigeze kubivuga. Kubahiriza imirimo y'ubutabera ni kimwe mu biranga imikorere yacu kandi ni ingenzi kugira ngo habeho kwimakaza ihame ry'ibihugu bigendera ku mategeko. Ibikorwa byo kubangamira iyo mirimo ntibikwiye kwihanganirwa kuko bimunga inkingi ya mwamba y'ubutabera mpuzamahanga n'umurage w'Urukiko rwacu. Mu rubanza rwa Jojić na Radeta, Repubulika ya Seribiya ifite inshingano isobanutse yo gufatanya na IRMCT. Abayobozi bo muri icyo gihugu baherutse kumenyesha ko badateganya na gato kubahiriza Itegeko ry'Umucamanza umwe rukumbi ryo ku itariki ya 13 Gicurasi 2019, ryemejwe n'Urugereko rw'Ubujurire ku itariki ya 24 Gashyantare 2020. Reka mvuge ko n'ubwo bitanshimije, bitigeze binca intege. Sinzahwema kugaragaza iki kibazo kandi nizeye ko Repubulika ya Seribiya izagera aho ikuzuza inshingano mpuzamahanga zayo ziteganywa n'Itegeko Shingiro ry'Umuryango w'Abibumbye, nk'uko yabikoze incuro nyinshi mu bihe byashize, ubwo habaga hakozwe icyaha cyo gusuzugura Urukiko.

Ikindi kibazo gikomeye, cyanatumye Inama Ishinzwe Amahoro ku Isi isaba ibihugu byose gufatanya na IRMCT kugikemura no kuyiha ubufasha bwose ikeneye, ni icyerekeranye n'abantu umunani bimuriwe muri Nijeri Urukiko rumaze kwemeza ko ari abere cyangwa nyuma yo kurangiza ibihano byabo. Kubahiriza Amasezerano Umuryango w'Abibyumbye wagiranye na Nijeri ni bwo buryo bwiza bwo

gukemura iki kibazo. Kuba rero ibi bitarakozwe ni byo byatumye abo bantu bafungishwa ijisho, mu buryo budashingiye ku mategeko, mu gihe bakagombye kuba bidegembya. IRMCT n'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda rwayibanjirije, zombi zagaragarije kenshi Inama Ishinzwe Amahoro ku Isi ko iki kibazo cy'abantu byemejwe ko ari abere n'abafunguwe gikwiye gukemurwa mu buryo bwihutirwa. Umwaka ushize, ubwo Perezida wambanjirije yari ari muri iki cyumba cy'inama, yatangaje ko hatewe intambwe ikomeye kubera ko yibwiraga ko iki kibazo cyari cyararangiye. Icyo gihe, yashimiye uwari uhagarariye Nijeri, akaba ari na we wari Perezida w'Inama Ishinzwe Amahoro ku Isi, mu Ukuboza 2021, kubera ko igihugu cye cyari cyemeye ko abo bantu bimurirwa ku butaka bwacyo. Kuba nyuma y'umwaka kuva icyo gihe, twese hamwe tutarabasha kubona igisubizo kirambye uretse no kuba bisiga icyasha Umuryango w'Abibumbye binatuma icyizere ubutabera mpuzamahanga bugirirwa muri rusange kiyoyoka. Inkunga y'ibihugu mu gushakira iki kibazo igisubizo gikwiye no kugishyira mu bikorwa izanafasha IRMCT gukomeza gahunda yayo y'ibikorwa bigamije gutuma iba Urwego rukora imirimo y'insigarira nyirizina.

Icya kabiri, Inama Ishinzwe Amahoro ku Isi yasabye IRMCT kugaragaza uburyo imirimo isigaje izahererekanwa mu gihe gikwiye. Ibyo twabihaye agaciro gakomeye, ari na yo mpamvu gutegura ingamba zizagenderwaho mu gihe kiri imbere ari kimwe mu byo nshyize imbere muri manda yanjye nka Perezida wa IRMCT. Ku wa Gatanu w'icyumweru gishize, nagaragarije Itsinda ry'akazi ry'Inama Ishinzwe Amahoro ku Isi, ryashyizweho bitanyuze mu nzira zisanzwe zikoreshwa, rishinzwe Inkiko mpuzamahanga, gahunda y'ibikorwa byo gutegura ibizakorwa ishingiye ku igenekereza ry'umubare w'abakozi IRMCT yakenera bitewe n'akazi yaba ifite. Iyo gahunda y'ibikorwa igaragaza imirimo y'insigarira isigaye, aho mu ikubitiro, ibiteganywa gukorwa biri mu byiciro bitatu. Icyiciro cya mbere ni igihe cyo gusoza ibikorwa bidahoraho byerekeranye n'imanza no gushakisha abantu bahunze ubutabera. Icyiciro cya kabiri ni igihe IRMCT izaba yibanda gusa ku imirimo yayo y'insigarira izakomeza gukora, isaba kwita ku bibazo by'urusobe kandi bimara gihe kirekire. Hanyuma, mu cyiciro cya gatatu, ari na cyo cya nyuma, biteganyijwe ko imirimo yacu y'insigarira izakomeza gukorwa izaba yaragabanutse cyane, ariko kuri ubu ibikorwa byihariye biteganyijwe kuzakorwa ntibiramenyekana. IRMCT izakomeza gukorana n'inzego zibishinzwe kugira ngo hashyirweho uburyo bwo guhererekanya imirimo ndetse hagenwe n'igihe ibyo bikorwa biteganywa bizamara. Iyo gahunda y'ibikorwa ni yo ntambwe ya mbere kandi IRMCT ikazakomeza kugenda itanga amakuru mashya yerekeranye n'ibikorwa bigamije gushyiraho uburyo bwuzuye buzayifasha gukomeza ibikorwa bigamije gutuma ihinduka Urukiko rukora imirimo y'insigarira nyirizina.

Nk'uko iyi Nama yabivuze mbere, ntibyashoboka "gusoza imirimo hadashyizweho ingamba z'uko bizakorwa". N'ubwo ibyo ari ukuri, ndagira ngo nshimangire ko guteganya gahunda y'ibyo tuzakora mu gihe kiri imbere bishoboka ari uko tubanje gukemura ibibazo dufite ubu. Ugukererwa uko ari ko kose kwabaho muri urwo rwego kwagira ingaruka kuri gahunda y'ibikorwa bigamije gutuma IRMCT ihinduka Urukiko rukora imirimo y'insigarira. Urugero rusobanutse umuntu yatanga ni urw'irangizwa ry'ibihano. Tugereranyije n'izindi nkiko mpuzamahanga, ni twe dufite umubare munini w'abantu bakatiwe, 51 bose hamwe, barimo kurangiza ibihano birebire kurusha ibindi, birimo 17 by'igifungo cya burundu. Kugeza ubu, ibihugu 13 ni byo byagaragaje, ku rwego ruhanitse, ko byiyemeje kwimakaza ubutabera mpuzamahanga, byakira, ku bushake, izindi nshingano ziremereye zo mu rwego rw'irangizwa ry'ibihano. Inkunga n'ubufatanye bihoraho by'ibyo bihugu ni ingenzi kugira ngo IRMCT ishobore kuzuza iki gice cy'inshingano zayo kandi mbishimiye mbikuye ku mutima. Ndasaba ibindi bihugu gukurikiza urwo rugero, mu buryo bwihutirwa, bigafatanya na byo izo nshingano zerekeranye n'irangizwa ry'ibihano by'abantu bakatiwe n'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho Icyahoze ari Yugosilaviya, Urukiko Mpanabyaha Mpuzamahanga Rwashyirweho u Rwanda cyangwa IRMCT. Nihatagira ibindi bihugu byitabira icyo gikorwa, IRMCT izahura n'ibibazo bizayibangamira mu gukomeza kuzuza inshingano ifite zo muri urwo rwego rw'ingenzi.

Mu gusoza, ndavuga ku kuba iyi Nama ikomeza gushimangira ko Urukiko rwacu, rwashyiriweho gukora imirimo y'insigarira, rukurikiza intego rwahawe rushyirwaho yo gukora nk'urwego ruto, rudahoraho kandi rukora neza. Igisobanuro nyakuri cy'ijambo "insigarira" cyarushijeho gusobanuka muri iki gihe turimo kuburanisha urubanza rwa nyuma mu rw'iremezo n'urwa nyuma mu bujurire. Cyakora, mu by'ukuri, ibikubiye mu nshingano zacu, n'ingano y'imirimo dukora, biruta kure ibyari biteganyijwe mu mwaka wa 1993 n'uwa 1994, ubwo izi Nkiko zidahoraho zashyirwagaho. Ni muri urwo rwego ijambo "insigarira" ritagomba gutuma umuntu atekereza ko nta kamaro tugifite. Ahubwo, imirimo y'insigarira dushinzwe, irimo iyerekeranye n'imanza, iracyari ingenzi. Mu by'ukuri, ni yo mpamvu uru Rwego rwashyizweho. Na nyuma yo kurangiza kuburanisha imanza zikiburanishwa, tuzaba dusigaranye inshingano z'ingirakamaro zigamije gushimangira, mu gihe kirambye, ibyo twagezeho. Ndashaka kuvuga izijyanye n'irangizwa ry'ibihano, gusigasira inyandiko zishyinguye, kurinda umutekano w'abatangabuhamya, gutera inkunga inkiko z'ibihugu hamwe n'ibindi bikorwa byerekeranye n'imanza. Kubera iyo mpamvu, ndasaba umuryango mpuzamahanga gukomeza gushikama mu kurwanya umuco wo kudahana nk'uko wabyiyemeje; kwemera ukuri ko ubutabera butarangirira ku guca imanza burundu;

no kwemera ko imirimo y'insigarira idusaba gukomeza gukora ibishoboka kugira ngo umurage w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho Icyahoze ari Yugosilaviya, Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda n'uwa IRMCT udateshwa agaciro.

Ndifuza no gushimangira ko ari ngombwa ko dukaza umurego mu guhangana n'umuco wo guhakana no gupfobya jenoside ndetse n'uwo gushimagiza abantu bakoze ibyaha by'intambara. Tubinyujije mu kubungabunga no gusakaza ukuri, twatanga umusanzu mu gukumira jenoside n'ibyaha byuje urwango kugira ngo bitazongera kubaho. Iyi ni yo ntego y'ibigo bishinzwe gutanga amakuru byateganyijwe n'Inama Ishinzwe Amahoro ku Isi, mu Cyemezo cyayo cya 1966 (2010) kandi, nk'uko bigaragazwa n'Ikigo nk'icyo kiri i Sarajevo, bizagira uruhare rukomeye mu gutuma abaturage b'uturere twahuye n'ibi bibazo barushaho gusobanukirwa n'ibikorwa byacu no kubigeraho. Kubera iyo mpamvu, ndashishikariza umuryango mpuzamahanga gukorana n'ibihugu bigize Icyahoze ari Yugosilaviya, n'u Rwanda, mu gushyigikira ishyirwaho ry'ibyo bigo by'ingirakamaro.

Nyakubahwa Perezida,

Imyaka irenga 10 irashize ubwo, ibinyujije mu ishyirwaho ry'Urwego rwashyiriweho gukora imirimo y'insigarira, Inama Ishinzwe Amahoro ku Isi yatangaga ubutumwa bukomeye bwo kurwanya umuco wo kudahana buvuga ko abantu bahunze ubutabera, bagize uruhare rwo hejuru rusumba urw'abandi, bakorewe inyandiko z'ibirego n'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho Icyahoze ari Yugosilaviya n'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda, nta ho bashobora gucikira ubutabera kandi ko umurage w'izi nkiko zombi ugomba gusigasirwa. Ubutabera n'amahoro ni byo isi ya none ikeneye kurusha ibindi. Nababwira ndashidikanya ko twakoze ibyo twe twagombaga gukora. IRMCT itewe ishema n'uruhare yagize ndetse ikwiye gufatwa nka rumwe mu nzego zifite akamaro kurusha izindi Umuryango w'Abibumbye washyizeho.

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