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URWEGO RW'IGIHUGU
RUSHINZWE INKIKO GACACA
B.P.1874 KIGALI

AMABWIRIZA Nº 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 JENOSIDE N'IBINDI BYAHA BYIBASIYE INYOKOMUNTU BYO MU RWEGO RWA MBERE, IMANZA ZA JENOSIDE ZIZAVA MU NKIKO ZISANZWE N'IZA GISIRIKARE NO GUSUBIRAMO IMANZA MU NKIKO GACACA.

Umunyamabanga Nshingwabikorwa;

Amaze kubona ko Inkiko Gacaca zifite ububasha bwo kuburanisha bimwe mu byaha byo mu rwego rwa mbere ;

Amaze kubona na none ko Inkiko Gacaca zifite ububasha bwo kuburanisha imanza z'ibyaha biri mu bubasha bwazo ziri mu Nkiko zisanzwe n'iza gisirikare ariko zitarafatwaho icyemezo ku buryo budasubirwaho ;

Amaze kubona ko umubare w'amadosiye y'imanza zo mu rwego rwa mbere kimwe n'ay'izizava mu Nkiko zisanzwe n'iza gisirikare ari muto ku buryo atari ngombwa ko aburanishwa n'Inyangamugayo z'Inkiko Gacaca z'Ubujurire n'iz'Umurenge zose ;

Amaze kubona kandi ko hari zimwe mu Nkiko Gacaca z'Ubujurire n'iz'Umurenge zigifite imanza ziburanisha ;

Amaze kubona ko ari ngombwa ko inteko z'Inkiko Gacaca zigize Inama rusange zigabana imirimo ;

Asubiye ku mabwiriza n° 09/06 yo ku wa 26/07/2006 arebana no gusubiramo imanza zaciwe n'inkiko zisanzwe ;

Ashingiye ku ngingo ya 50 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 Jenoside n'ibindi byaha byibasiye inyokomuntu byakozwe hagati y'itariki ya mbere Ukwakira 1990 n'iya 31 Ukuboza 1994 nk'uko ryahinduwe kandi ryujujwe kugeza ubu ;

ATANZE AMABWIRIZA AKURIKIRA :

Icyiciro cya mbere : Ibyerekeye abaregwa ibyaha byo mu rwego rwa mbere baburanishwa n'Inkiko Gacaca

Ingingo ya mbere:

Hashingiwe ku ngingo ya 51 y'tegeko 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 Jenoside n'ibindi byaha byibasiye inyokomuntu byakozwe hagati y'itariki ya mbere Ukwakira 1990 n'iya 31 Ukuboza 1994 nk'uko ryahinduwe kandi ryujujwe kugeza ubu , Inkiko Gacaca ziburanisha :

1. umuntu wakoze ibyaha cyangwa ibikorwa by'ubufatanyacyaha bimushyira mu bashishikarije abandi umugambi wa jenoside, abagenzuye n'abayoboye jenoside cyangwa ibindi byaha byibasiye inyokomuntu, hamwe n'ibyitso bye ;

2. umuntu wari icyo gihe mu nzego z'ubuyobozi 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 jenoside cyangwa ibindi byaha byibasiye inyokomuntu cyangwa akoshya abandi kubikora, hamwe n'ibyitso bye;

3. umuntu wasambanyije undi ku gahato cyangwa wangije imyanya ndangagitsina, hamwe n'ibyitso bye.

Icyiciro cya 2 : Ibyerekeye ibyaha byo gusambanya ku gahato cyangwa kwangiza imyanya ndangagitsina

Akiciro ka mbere : Ibyerekeye kuregera bwa mbere ibyaha byo gusambanya ku gahato cyangwa kwangiza imyanya ndangagitsina mu Rukiko Gacaca

Ingingo ya 2 :

Ibirego bishya birebana n'ibyaha byo gusambanya ku gahato cyangwa kwangiza imyanya ndangagitsina bishyikirizwa mu ibanga inteko y'Urukiko Gacaca rw'umurenge iburanisha ibyaha byo mu rwego rwa mbere n'imanza zizava mu nkiko zisanzwe n'iza gisirikare.

Ingingo ya 3 :

Uwahohotewe ni we wenyine ufite uburenganzira bwo kuregera ibyaha byo gusambanya ku gahato cyangwa kwangiza imyanya ndangagitsina yakorewe.

Icyakora, igihe uwahohotewe yapfuye cyangwa atagifite ubushobozi bwo kurega bigaragajwe n'icyemezo gitangwa na muganga cyangwa izindi nzego zibifitiye ububasha, icyo kirego gishobora gutangwa mu ibanga n'uwo bafitanye isano.

Igihe nta bafitanye isano n'uwahohotewe bariho cyangwa se badafite amakuru ku ikorwa ry'icyaha, icyaha

cyo gusambanya ku gahato cyangwa kwangiza imyanya ndangagitsina kiregerwa n'uwo ari we wese mu nyungu z'ubutabera ufite amakuru ku ikorwa ryacyo.

Akiciro ka 2 : Ibyerekeye kuburanisha ibyaha byo gusambanya ku gahato cyangwa kwangiza imyanya ndangagitsina

Ingingo ya 4 :

Ibyaha byo gusambanya ku gahato cyangwa kwangiza imyanya ndangagitsina kiburanishirizwa mu muhezo mu cyumba kigenwa n'ubuyobozi.

Ntibyemewe kwirega cyangwa kuregera icyo cyaha mu ruhame.

Isomwa ry'urubanza rwaburanishirijwe mu muhezo rikorwa mu ruhame.

Ingingo ya 5 :

Iyo umuntu ukurikiranyweho ibyaha byo gusambanya ku gahato cyangwa kwangiza imyanya ndangagitsina akurikiranyweho n'ibindi byaha akaba byose yarabikoreye umuntu umwe; ibyo byaha byose abiburanishirizwa mu muhezo.

Iyo umuntu ukurikiranyweho ibyaha byo gusambanya ku gahato cyangwa kwangiza imyanya ndangagitsina akurikiranyweho n'ibindi byaha byakorewe abandi bantu, ibyo byaha bindi biburanishirizwa mu ruhame.

Akiciro ka 3 : Ibyerekeye abemerewe gukurikirana urubanza ruburanishirizwa mu muhezo

Ingingo ya 6 :

Abemerewe gukurikirana urubanza ruburanishwa mu muhezo ni :

1. Intumwa y'Urwego rw'Igihugu rushinzwe gukurikirana, kugenzura no guhuza ibikorwa by'Inkiko Gacaca,
2. Ushinzwe umutekano,
3. Umujyanama w'ihungabana.

Abakurikirana urubanza ruburanishwa mu muhezo ntibivanga mu iburanisha. Ntibemerewe kugira uwo babaza ibibazo keretse gusa ku birebana n'inshingano zabo.

Abemerewe gukurikirana urubanza ruburanishirizwa mu muhezo ntibajya mu mwiherero w'abagize inteko iyo bagiye gufata umwanzuro ku rubanza.

Akiciro ka 4: Ibyerekeye kumena ibanga ry'urubanza ruburanishirizwa mu muhezo

Ingingo ya 7 :

Inyangamugayo itahuweho kumena ibanga ry'urubanza rwaburanishirijwe mu muhezo ikurikiranwa mu rubanza rwihariye n'Urukiko Gacaca ruyitahuye, igahanishwa igihano cy'igifungo gihera ku mwaka umwe (1) kugera ku myaka itatu (3).

Iburanisha ry'icyo cyaha rikorerwa mu muhezo.

Akiciro ka 5 : Ibyerekeye umutangabuhamya mu rubanza rw'ibyaha byo gusambanya ku gahato cyangwa kwangiza imyanya ndangagitsina

Ingingo ya 8 :

Umutangabuhamya mu rubanza rw'ibyaha byo gusambanya ku gahato cyangwa kwangiza imyanya Ndangagitsina umaze gushyikiriza Urukiko ubuhamya akomeza guhezwa.

Icyiciro cya 3 : Ibyerekeye imanza zizava mu nkiko zisanzwe n'iza gisirikare

Ingingo ya 9 :

Imanza za jenoside ziri mu bubasha bw'Inkiko Gacaca zari mu nkiko zisanzwe n'iza gisirikare zitarafatwaho icyemezo ku buryo budasubirwaho ziburanishwa n'Inkiko Gacaca mu buryo bukurikira :

1. Imanza ziri mu Nkiko zisumbuye n'iziri mu Rukiko rwa Gisirikare zitarafatwaho icyemezo ku buryo budasubirwaho ziburanishwa ku rwego rwa mbere n'Inkiko Gacaca z'Umurenge z'aho ibyaha byakorewe.

2. Imanza zajuririwe mu Rukiko Rukuru rwa Repubulika n'izajuririwe mu Rukiko Rukuru rwa Gisirikare zitarafatwaho icyemezo ku buryo budasubirwaho, ziburanishwa ku rwego rw'Ubujurire n'Inkiko Gacaca z'Ubujurire z'aho ibyaha byakorewe.

   Imanza zaciwe n'Urukiko Rukuru rwa Repubulika cyangwa izaciwe n'Urukiko Rukuru rwa Gisirikare zitararenza igihe cyo kujuririrwa, zijuririrwa kandi zikaburanishirizwa mu Nkiko Gacaca z'Ubujurire z'aho ibyaha byakorewe.

3. Imanza ziri mu Rukiko rw'Ikirenga zitarafatwaho icyemezo ku buryo budasubirwaho ziburanishwa bwa nyuma n'Inkiko Gacaca z'Ubujurire z'aho ibyaha byakorewe.

   Imanza zaciwe n'Urukiko Rukuru rwa Repubulika cyangwa izaciwe n'Urukiko Rukuru rwa Gisirikare zitararenza igihe cyo kujuririrwa, zijuririrwa kandi zikaburanishirizwa mu Nkiko Gacaca z'Ubujurire z'aho ibyaha byakorewe.

   Imanza zivugwa muri aka gace ka 3 ntizishobora gusubirwamo.

Ingingo ya 10 :

Inkiko Gacaca ntizifite ububasha bwo kuburanisha ibirebana n'indishyi.

Icyiciro cya 4 : Ibyerekeye Inkiko Gacaca ziburanisha imanza z'abaregwa ibyaha byo mu rwego rwa mbere n'imanza zizava mu Nkiko zisanzwe n'iza gisirikare

Ingingo ya 11 :

Inama rusange y'Inyangamugayo yitoramo abagize inteko z'urukiko Gacaca rw'Ubujurire n'iz'urw'umurenge zizaburanisha abaregwa ibyaha byo mu rwego rwa mbere n'imanza zizava mu Nkiko zisanzwe n'iza gisirikare.

Abagize buri nteko yatowe, bitoramo abagize inama mpuzabikorwa.

Icyiciro cya 5 : Ibyerekeye Inama Rusange isuzuma ishingiro ryo gusubiramo urubanza

Ingingo ya 12 :

Inama Rusange isuzuma ishingiro ryo gusubiramo urubanza ni isanzwe.

Icyakora, ku byerekeye ibyaha byo gusambanya ku gahato cyangwa kwangiza imyanya ndangagitsina, gusuzuma ishingiro ryo gusubiramo urubanza bikorwa gusa n'Inteko z'Inkiko Gacaca ziburanisha abaregwa ibyaha byo mu rwego rwa mbere n'izindi manza zizava mu Nkiko zisanzwe n'iza gisirikare.

Usaba gusubiramo urubanza rw'ibyaha byo gusambanya ku gahato cyangwa kwangiza imyanya ndangagitsina yandikira Perezida w'Urukiko Gacaca rwaruburanishije bwa nyuma nawe akabishyikiriza umuyobozi w'inama isuzuma ishingiro ryo gusubiramo urwo rubanza. Usaba gusubiramo urubanza agenera kopi umuhuzabikorwa w'Inkiko Gacaca n'Urwego rw'Igihugu rushinzwe Inkiko Gacaca.

Iyo hari nteko imwe y'Urukiko Gacaca rw'Umurenge n'iy'urw'Ubujurire ziburanisha abaregwa ibyaha byo mu rwego rwa mbere n'izindi manza zizava mu Nkiko zisanzwe n'iza gisirikare, inama isuzuma ishingiro ryo gusubiramo urubanza rw'ibyaha byo gusambanya ku gahato cyangwa kwangiza imyanya ndangagitsina iyoborwa na Perezida w'Urukiko Gacaca rw'Ubujurire, yaba atashoboye kuboneka ikayoborwa na Perezida w'Urukiko Gacaca rw'Umurenge.

Iyo inteko z'Urukiko Gacaca rw'ubujurire n'iz'urw'umurenge ziburanisha imanza z'ibyaha byo mu rwego rwa mbere n'izindi manza zizava mu Nkiko zisanzwe n'iza gisirikare ari nyinshi, ba Perezida b'Inteko z'ubujurire bitoramo umuyobozi w'inama isuzuma ishingiro ryo gusubiramo urubanza rw'ibyaha byo gusambanya ku gahato cyangwa kwangiza imyanya ndangagitsina naho ba Perezida b'inteko z'umurenge bakitoramo umwungiriza.

Umuyobozi w'inama ni we ugena umwanditsi wayo.

Ingingo ya 13 :

Iyo ishingiro ryo gusubiramo urubanza rw'ibyaha byo gusambanya ku gahato cyangwa kwangiza imyanya ndangagitsina ryemejwe, urubanza rusubirwamo n'urundi rukiko Gacaca rw'Ubujurire ruri hafi ruburanisha ibyo byaha.

Icyiciro cya 6 : Ibyerekeye gahunda y'iburanisha

Ingingo ya 14 :

Iburanisha ry'imanza rikorwa mu ruhame hakurikijwe gahunda isanzwe y'iburanisha mu Nkiko Gacaca haseguriwe ibyihariye ku cyaha cyo gusambanya ku gahato cyangwa kwangiza imyanya ndangagitsina.

Igihe Urukiko Gacaca ruburanisha imanza z'ibyaha byo mu rwego rwa mbere n'izindi manza zizava mu Nkiko zisanzwe n'iza gisirikare rufite imanza zizaburanishwa mu muhezo n'izindi zizaburanishwa mu ruhame, iburanisha ritangirira ku manza zizaburanishwa mu ruhame.

Icyiciro cya 7 : Ibyerekeye gusubiramo imanza mu Nkiko Gacaca

Ingingo ya 15 :

Urukiko Gacaca rw'Ubujurire ni rwo rwonyine rufite ububasha bwo gusubiramo imanza zaciwe burundu n'urundi Rukiko Gacaca.

Imanza zaciwe ku buryo budasubirwaho n'inkiko zisanzwe cyangwa iza gisirikare ntizisubirwamo n'Inkiko Gacaca.

Amabwiriza n° 09/06 yo ku wa 26/07/2006 arebana no gusubiramo imanza zaciwe n'inkiko zisanzwe avanyweho.

Icyiciro cya 8 : Ingingo zisoza

Ingingo ya 16 :

Ingingo zose z'amabwiriza abanziriza aya kandi zinyuranye nayo zivanyweho.

Ingingo ya 17 :

Aya mabwiriza areba Inkiko Gacaca zose kandi atangira gukurikizwa ku munsi yashyiriweho umukono n'Umunyamabanga Nshingwabikorwa w'Urwego rw'Igihugu rushinzwe Inkiko Gacaca.

Bikorewe i Kigali, ku wa **05/06/2008**

MUKANTAGANZWA Domitilla

Umunyamabanga Nshingwabikorwa
w'Urwego rw'Igihugu rushinzwe
Inkiko Gacaca