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# *Ubutabera n'ukuri : "intambara yo kwibuka"*

Gusuzuma byonyine icyuka cy'impaka zigibwa ubungubu ku mumaro n'ibyagezweho n'ubucamanza mu bihe byakurikiye intambara bihita byerekana intera n'imbibi byabwo. Koko rero, n'ubwo ibyo guhakana itsembatsemba no guhinyura itsembabwoko ryibasiye Abatutsi bo mu Rwanda bitagishoboka ko bibonerwa ikimenyetso gifatika cg insobanuro nyurabwenge[1], ibyo kugerageza kwita ukundi ibyabaye (nko gukoresha amagambo twabonye mbere ngo "impanuka", "ibintu bibabaje") n'urunana rw'abunganizi bo mu manza babihakana bivuye inyuma na byo biracyafite ababishyigikiye cyane ndetse n'abo bishishikaje, ku buryo biha urubuga ihangana ry'uburyo bunyuranye bw'iyamamazamatwara rishingiye ku ivanguramoko.

Umwanya w'ibanze mu iryo hangana ushingiye ku ibarura ry'abishwe ku mpande zombi aho guterana amagambo – ku kibazo cyo kuringaniza ku buryo bupfobya ibyaha by'ubugome byakozwe n'abarwanyi b'impande zombi – bigaragaza nta shiti ko umurimo utangaje ubucamanza bwakoze guhera muri 1994 utaragira ikintu gifatika ucubya ku iyamamazamatwara n'amashagaga ya ba gashozantambara. Bamwe bahakana itsembabwoko, abandi bakagira ruvumwa

[1] "Nta n'umwe ushobora kugira icyo ashingiraho ahakana ko muri 1994 habayeho ibikorwa byo gushishikariza itsembatsemba rigamije kurimbura Abatutsi bose bo mu Rwanda cg se nibura igice kinini cyane muri bo, bakaba bari bagize itsinda riteganywa n'amategeko. Iryo shishikaza ryageze ku ntego yaryo ku buryo bukura umutima. [...] Itsembabwoko ryo mu Rwanda ni igikorwa cyiyanditse mu mateka y'isi, igikorwa kidashidikanywa nk'ikindi cyose. Ni rwo rugero ruhamye rw' "ibikorwa by'ikimenya bose" (TPIR, CHAMBRE D'APPEL, *Décision faisant suite à l'appel interlocutoire interjeté par le procureur de la décision relative au constat judiciaire* [*Icyemezo ku bujurire bwatanzwe m'umushinjacyaha busaba icyemezo ku gikorwa cy'ikimenyabose mbere yo gusuzuma urubanza mu mizi yarwo],* La Haye, 16 Kamena 2006, § 35, p. 21-22).

ingoma za Repubulika zombi, bityo intambara ikagera mu rwego rw'ibitekerano bikubira ubwoko ubu n'ubu mu gatebo kamwe, nk'aho umurundo wa anketi zakozwe kuva muri 1994 n'inzego zose zashinzwe n'isi yose kugaragaza "ukuri" n'"ubutabera" ntacyo byamaze : imiryango mpuzamahanga, komisiyo nyagihugu, urugaga rw'imiryango itegamiye kuri leta, inkiko z'ibihugu by'amahanga, n'urukiko mpanabyaha mpuzamahanga rubishinzwe, tutibagiwe ibitabo amagana n'amagana, amasenema n'ubuhamya bw'ingeri zose. Wagira ngo ubumenyi bwose n'amakuru byakusanyijwe mu myaka irenga cumi n'itanu ntibikwiye kugirirwa icyizere cg se nta wigeze abyizera, cg rero wagira ngo hariho amabanga azwi gusa n'abigize kamara mu gushoza impaka za ngo-turwanye.

## *Umurimo wo gucukumbura ukuri utangaje ariko uvangura bikabije*

Impamvu zatumye ibintu bimera gutyo ni nyinshi, ariko ndibanda gusa ku zishobora kuba zifitanye isano n'urwego rw'ubutabera mpuzamahanga rwashyiriweho kurangiza izo nshingano, maze kwibutsa nihuta iby'ingenzi byarangagaga ikibariro mpuzamahanga igihe urwo rwego rwashyirwagaho. Kuva mu mpera z'umwaka wa 1994, igishyika amahanga yatewe n'ibyabaye mu Rwanda cyatumye imiryango mppuzamahanga na leta z'ibihugu zitekereza ku ngamba z'akataraboneka, haba mu buremere bwazo haba wo no mu nzira zo kuzishyira mu bikorwa. Inzego nyinshi n'amakomisiyo y'iperereza zashyiriweho gutazura iby'amahano yabaye mu Rwanda no gutanga ibyifuzo birebana n' "imfashanyo, gusana ibyangiritse no gutsura amajyambere" cg se bijyanye n' "amahoro, ubutabera n'ubwiyunge". Kuva mu ntangiro z'umwaka wa 1995 ndetse na 2000[2] hamwe na hamwe, izo nzego n'amakomisiyo byakoranyije

[2] Dore urutonde rw'uko izo nzego n'amakomisiyo byakurikiranye : *La Coopération suisse au Rwanda [Ubufatanye bw'Ubusuwisi mu Rwanda],* raporo y'itsinda ry'ubushakashatsi, agashami gashinzwe ububanyi n'amahanga, Berne ku wa 20 Mutarama 1996, ishingiye ku biganiro by'abanyapolitiki n'inzobere 110 ; *La réponse internationale au conflit et au génocide : enseignements à tirer de l'expérience au Rwanda [Uko amahanga yahanganye n'amakimbirane n'itsembabwoko : Inyigisho twakura mu byabaye mu Rwanda],* Copenhague, 1996, 5 vol., yatangajwe mu izina ry'imiryango 36 y'imfashanyo n'iterambere (harimo inzego z'Umuryango w'Abibumbye, n'ubutwererane hagati y'ibihugu). Muri Nyakanga 1996, Komisiyo y'Ububanyi n'amahanga ya Sena y'Ububiligi yashyizeho itsinda ryabugenewe "ryo gusuzuma inyandiko zose zo muri minisiteri y'Ububanyi n'amahanga n'iy'ingabo yerekeranye n'ibyabaye mu Rwanda hagati y'igihe cy'isinywa ry'amasezerano ya Arusha muri Kanama 1993 n'igihe itsembabwoko ryatangiriye muri Mata 1994". Ihereye kuri iyo raporo yatanzwe ku itariki ya 7 Mutarama 1997, Komisiyo y'Ububanyi n'amahanga yashyizeho Komisiyo idasanzwe ku Rwanda. Guhera ku itariki ya 19 Gashyantare 1997, iyo komisiyo idasanzwe yatangiye kubaza abantu batari bake noneho nyuma ihindurwamo, ku buryo buyiha uburenganzira bwose, Komisiyo ya anketi y'Inteko ishinga amategeko. Iyo Komisiyo yashyizweho ku itariki ya 30 Mata 1997 yatanze raporo yayo ku itariki ya 6 Ukuboza 1997. Hashize amezi make, Inteko ishinga amategeko y'Ubufaransa yafashe icyemezo cyo gushyiraho Misiyo y'ikusanyamakuru y'Inteko ishinga amategeko yatangiye kubaza abantu ku itariki ya 24 Werurwe 1998. Imyanzuro yayo n'inyandiko nyinshi zometseho imigereka byashyizwe ahagaragara mu Kuboza k'uwo mwaka n'agashami gashinzwe itangazamakuru muri Komisiyo y'Ingabo z'igihugu ku bikorwa bya gisirikari byakozwe n'Ubufaransa n'ibindi bihugu n'Umuryango w'Abibumbye mu Rwanda hagati ya 1990 na 1994 yitwa *Enquête sur la tragédie rwandaise [Anketi ku marorerwa yo mu Rwanda], op. cit.*. Hanyuma, ku ya 16 Ukuboza 1999 hasohotse *Rapport de la commission indépendante d'enquête sur les actions de l'Organisation des Nations unies lors du génocide de 1994 au Rwanda* [*Raporo ya Komisiyo yigenga yakoze anketi ku bikorwa by'Umuryango w'Abibumbye mu itsembabwoko ryo muri 1994 mu Rwanda*] (Umuryango w'Abibumbye, Inama ishinzwe amahoro ku isi, New York);hanyuma muri Gicurasi 2000 hataho *Rapport sur le génocide au Rwanda [Raporo ku itsembabwoko ryo mu Rwanda],* yanditswe n'Itsinda mpuzamahanga ry'intumwa zo mu rwego rwo hejuru zibisabwe n'Umuryango w'Ubumwe bw'Afurika (*OUA, Rwanda, le génocide qu'on aurait pu stopper [Rwanda : Itsembabwoko ryashoboraga gukumirwa],* Addis-Abéba, Gicurasi 2000).

amagana n'amagana y'inzobere kandi zirundanya impapuro ibihumbi n'ibihumbi z'inyandiko n'inyandukuro z'ubuhamya umurundo.

Gusa rero, mu kubahiriza ibyifuzo by'abazishyizeho, anketi zibanze cyane cyane ku byo izo nzego zagiye zikora nabi no kugaragaza ukuntu inkunga n'imfashanyo zaturutse mu mahanga muri rusange zitageze ku ntego yazo. Zirinze no kugira icyo zivuga ku bintu abantu babonaga ku buryo butandukanye, ntizirirwa zinagira icyo zikomoza ku ngamba z'abanyamahanga banze ibyo kwitabira iyo gahunda[3]. Muri rusange izo nzego zari zishishikajwe cyane cyane no kugaragaza impamvu amahanga yananiwe kugira icyo akora mu gihe cy'amahano yagwiriye U Rwanda, aho kugira ngo bagaragaze ibyihishe inyuma y'iyo ntambara, icyayiteye n'icyo yari igamije.

Ku buryo bw'imbangikane, hamaze gutangazwa ibitabo umurundo, za sinema n'indi mirimo y'abashakashatsi ba gihanga cg abahanzi byakozwe ku itsembabwoko, impamvu zaryo, uko ryagenze, abarigizemo uruhare n'abariguyemo, abarirokotse n'ihahamuka ryabakurikiranye. Uwo murimo wo gusesengura no kwibuka wafashe intera iyinga ingano y'icyo cyaha cy'ubugome burenze kamere, na none ariko uhubirana n'ubukana bwo guhakana ibyabaye no kubyirengagiza byagaragaye mu mahanga. Uwo murimo wo kwibuka wakozwe cyane cyane n'abantu batari Abanyarwanda, akenshi bari bazi gahoro bikabije cg se batazi igihugu na busa mbere y'uko kibamo itsembabwoko.

Kuva ubwo, uburyo abantu "bemera" iryo tsembabwoko bigira ingaruka zikomeye ku myumvire y'amahano yagwiriye u Rwanda bikanatiza umurindi intege nke zagaragaye mu bikorwa by'abanyamahanga kubera ko, ku buryo bugambiriwe cg se butagambiriwe, uko kwemerwa ntacyo kwakemuye ku bibazo byinshi bijyanye n'imyitwarire n'uruhare rw'abanyagihugu mu gushoza no kurwana intambara. Muri rusange, usanga hari byinshi cyane mu mateka y'iyo ntambara n'ibyayibayemo bitarasobanuka kugeza ubu, kandi raporo n'ubundi bushakashatsi bimaze kujya ahagaragara ntibyerekana ukuntu byazashoboka cg byazaba ngombwa gushyira ahagaragara ibitaramenyekana (intego z'intambara abarwanaga bari bafite, ibico byibasiye abaturage b'abasivili, iyicwa ry'abanyapolitiki, igikorwa cy'iterabwoba cyo ku itariki ya 6 Mata, nb.). Kubera kutabonerwa ibisubizo bikwiye, ibyo bibazo bikomeje gukurura ibihuha n'urwikekwe kandi bikenyegeza ubukana bwo kuregana cg kwiregura ku mpande zishyamiranye.

Urukiko mpanabyaha mpuzamahanga rwa Loni rwashyiriweho U Rwanda rwagombaga kwifashisha ibyari bimaze kugerwaho rugakora anketi zitabogama, rukagaragaza ibimenyetso gihamya, rugatahura aho ruzakura amakuru n'Ibikoresho (cyane cyane mu rwego rw'inzobere), rukanoza imishyikirano n'inzego zakagombye gukorana na rwo, rugasobanura ku buryo bufatika ingamba zarwo zo gukurikirana abakekwaho ibyaha, rukanagaragaza ibikorwa byihutirwa. Kwifashisha ibyari byaragezweho n'abandi byabanje guhabwa intebe

[3] Ibyo byagaragaye cyane mu bihugu by'ibihangange nka Leta Zunze Ubumwe z'Amerika n'Ubwongereza, no muri byinshi mu bihugu bihana imbibi n' U Rwanda ari byo Kongo-Zayire, Uburundi na Tanzaniya, kandi nyamara byari bifite inyungu ndetse n'uruhare mu ntambara no mu mishyikirano, ariko cyane cyane Ubuganda. ingabo za FPR zari zigize igipande cy'ingenzi cy'ingabo z'icyo gihugu, ni ukuvuga NRA(ingabo zo kubohoza igihugu), zagize uruhare rw'ibanze mu gushoza intambara, zagemuye zigatanga n'ibikoresho, zarwanye mu bitero byose bikomeye kandi zikagira uruhare mu byemezo byerekeranye n'ingamba.

mu cyiciro cya mbere urukiko rwa TPIR rukimenyereza imirimo, mbere y'uko ruba ubwarwo ahantu h'ingenzi hakorerwa imirimo yo gukusanya, gushyingura no gusesengura amakuru rwari rukeneye mu kuzuza inshingano zarwo.

## *Ubuyobe by'ubucamanza mpuzamahanga*

Nyamara rero, kurundanya amakuru ishyano ryose mu rwego rwo guharanira ukuri n'ubutabera ntibyabujije ko urukiko rwa TPIR na n'ubu rutarashobora kumara ipfa impande zose cg ngo ruhoshe impagarara mu Banyarwanda. Ubwo bushobozi buke butiza umurindi ibyo kwishisha no kunenga urukiko. Inenge nyinshi mbere na mbere zishingiye ku miterere yarwo, nko kuba ruri Arusha, ahantu h'ubwigunge hatagendwa cyane kandi n'amakuru y'ibihakorerwa ntamenyekane, ariko na none zigaterwa n'uko abantu batazi ko icyo kigega cy'inyandiko kiriho kandi ko bashobora kukigeraho bakacyifashisha. Hakurikiraho impamvu z'imikorere mibi y'urukiko ubwarwo igaragarira cyane ku bikorwa mbarwa byarwo iyo urebye umubare w'imanza zaciwe. Koko rero, uwo mubare ni muto uwugereranyije n'igihe n'ubushobozi urukiko rufite : mu Kuboza 2009, hari hamaze gukurikiranwa abantu 90, 11 muri bo bataratabwa muri yombi. 77 bari bamaze cg bari hafi gukatirwa.

Uhereye ku kidushishikaje cy'ingenzi, ni ukuvuga ibyagezweho mu rwego rwo gusesengura no gusobanukirwa neza ibyabaye n'ingamba z'ababigizemo uruhare, ibyo gushimwa biri ku ntera iciriritse kandi ibyagezweho bishya birutana hakurikijwe igoragoza ryaranze politiki y'ubushinjacyaha.

Hariho ibintu bibiri ariko byiragaragara neza. Icya mbere gituruka ku mahitamo yo mu rwego rw'ingamba n'imicungire urukiko TPIR rwagiye rukora mu myaka cumi n'itanu y'ukubaho kwarwo kugira ngo rushimangire icyizere n'ubushobozi abantu bari barutezeho. Mu ntangiro zarwo rwakunze kuregwa na leta y'i Kigali ko ntacyo rugeraho kandi n'abaruhaga amafaranga n'inkunga zinyuranye bakarunenga ko rwafashe abantu bake cyane, ko nta manza rwaburanishije cg se ko zabaye nkeya cyane, ko nta n'urubanza na rumwe rwigeze rucibwa[4]. Nyamara icyo cyiciro nticyabuze kubamo anketi zakozwe n'ubushakashatsi bwatangijwe, ibyo byose bikaba byarageze ku myanzuro ishimishije ku buryo budasanzwe. Kubera ubufatanye bwabaye hagati y'imiryango itegamiye kuri leta n'intiti zo muri Kaminuza, ibiganiro n'impaka byabereye muri urwo rukiko byatumye hasuzumwa intego zari zigamijwe, hagaragazwa ibirari n'ibikorwa byihutirwa, hasuzumwa ingano y'amakuru n'ubushakashatsi byagezweho, nuko ibyo byose bigakungahaza ikigega cy'inyandiko n'ibimenyetso bifatika biri mu ngeri zinyuranye. Icyo cyiciro cyo gukungahaza ikigega cyanatumye urukiko rwakira abitoza n'abiga umwuga w'amategeko benshi, rwitabaza abashakashatsi batari bake, ruha akazi abakozi bamenyereye urusobe rw'amadosiye y'U Rwanda, ndetse bamwe bakaba bakinarimo ubungubu.

Nyuma y'aho, mu ntangiro y'imyaka ya 2000, umushijacyaha Carla Del Ponte amaze kujyaho, abagize inama ishinzwe amahoro ku isi bafashe icyerekezo

[4] Urwa mbere rwatangiye ku itariki ya 2 Nzeri 1998, ariko rwapfundikiwe burundu n'urugereko rw'ubujurire rw'i La Haye ku itariki ya 16 Gicurasi 2001.

cy'imicungire iboneye kandi ihamye. Koko rero, abagize ibiro by'umushinjacyaha b'ingenzi bari bamaze kubona uburyo bunoze bwo guhunika no gusesengura amakuru basabwe kwihutisha imiburanishirizwe y'imanza no gushyira imbere ibyo kugaragaza ubushobozi mu kazi no kugera ku myanzuro ifatika ku buryo butajenjetse.
Uwo muvuduko ariko wateye urukiko ingorane : kongera umubare w'abakurikiranwa n'abatabwa muri yombi byabayemo kwibeshya n;andi makosa akabije anyuranye yadindije imirimo anagira ingaruka ku myiteguro, agaciro k'ubuhamya na gahunda iboneye y'ibigamijwe. Imanza nyinshi zamaze igihe ziryamishijwe, izindi zirareregwa cg zirarekwa burundu : ubugenzacyaha bwa hutihuti, ibirego bidafatika, ubuhamya bw'ibifitirano, gupfusha ubusa gihamya zihari, amakosa akabije mu gushaka ibimenyetso, nb., ibyo byose bikajyana no guhindagura bikabije abashinjacyaha n'abungirizi babo kimwe n'abashinzwe iperereza. Ibyo byateye ipfunwe ryinshi cyane cyane mu bantu bose bari bategereje ko Urukiko ruzahera ku manza zisobanutse neza, hanyuma rukazaba rwimbika ibikoresho n'ubushobozi mu manza zasabaga cyane kwitondera umurimo wo gutahura ukuri no kwimakaza ubutabera.

Ikintu cya kabiri kigaragaje kijyanye n'agashungo gakabije k'abategetsi bashya b'U Rwanda ko gushaka kugenzurira hafi amaperereza yose no kwemera gusa ubushakashatsi buhuje n'ibyifuzo n'intego za politiki yabo. Ibyo nanone, ku buryo bw'imbangikane, ni ko byagenze mu gipande cy'abaregwa cyane cyane iyo habaga hakurikiranywe ibikomerezwa. Bityo, abayobozi bo mu butegetsi bwite bwa leta n'abo mu nzego za politiki ba kera n'ab'ubu ni bo bagize uruhare rukomeye mu gushyikirana, kugena no kugenzura abatangabuhamya bo gushinja cg gushinjura. Ku buryo ubu n'ubu, ubwoba bwo kugirirwa nabi bwatumye abatangabuhamya babaga batoranyijwe, babisabwe kandi bashyigikiwe n'abantu cg amatsinda y'ibikomererzwa ni batinyukaga kwemera kwishora muri uwo mukururano. Nguko uko amashyirahamwe y'abacitse ku icumu n'imfungwa zireze ku ruhande rw'ubushinjacyaha, kimwe n'ingaga z'abambari b'ubutegetsi bwa kera ku ruhande rw'abaregwa byahindutse inzego nyakuri zeguriwe umurimo wo gutegura abatangabuhamya ku byabaye cg ibivugwa. Nyamara urukiko rwa TPIR rwari rwashyiriweho guha uruvugiro rwisanzuye abatangabuhamya bose n'abasizwe n' iterabwoba rihanitse ryari rigamije nyine kubacecekesha burundu[5].

Ibyo bintu bibiri byigaragaje ntibishobora gusuzumwa intatane kubera ko urusobe rw'ibibazo bikomeye biri mu Rwanda imbere byabaye byivanze ku buryo bukabije kandi burambye mu mikorere y'urukiko mpuzamahanga.

*Gutoranya abaregwa*

Kimwe mu bibazo by'ingutu birebana n'iyo ngingo, ni icy'ubufatanye

[5]Abagabo benshi cyane baracyafite ubwoba bwo gutanga ubuhamya, haba mu babisabwa n'ibiro by'umushinjacyaha, haba no mu bashakwa n'amakipi y'abunganizi. Abaturanye cg abafitanye amasano n'abakorewe icyaha cg n'abaregwa baba mu Rwanda cg se mu buhungiro batinya ko abo batavugira bazabihimuraho cg se bakihimura ku bantu bo mu miryango yabo. Muri rusange, incuro nke cyane ni bwo Urukiko rwashoboye gushyigura abatangabuhamya b'inzobere b'Abanyarwanda bafite ijambo kandi batavugirwamo, ntirwabashije no kubona umubare ugaragara w'abirega bakemera icyaha (9) kandi bagirira akamaro ubushinjacyaha.

bw'abategetsi b'U Rwanda n'urukiko rwa TPIR. Bakomeje kwitwaza ku buryo budahuga ububasha bahabwa n'ingingo y'uko ubwo bufatanye ari ngombwa, maze babogamisha politiki y'ubushinjacyaha nako ahubwo babuyobora ku buryo bweruye. Ibyo nanone bishinze imizi mu buryo n'ibihe urwo rukiko rwavutsemo.

Urukiko rwa TPIR rwavutse mu rujijo rwo kwitana ba mwana. Abategetsi bashya b'U Rwanda, bamaze gufata ubutegetsi nyuma y'intambara muri Nyakanga 1994, bifuzaga urukiko rw'intsinzi nka rurya rw'i Nuremberg [mu Budage nyuma y'itsindwa ry'Abanazi] rwaciriye imanza hutihuti "abacurabwenge" b'itsembabwoko. Ntibashakaga urwego ruremereye rwasobanyiriza mu gihe cy'imyaka cumi cg cumi n'itanu politiki yabo bwite y'ubucamanza no gusana igihugu.

Kuri iyo ngingo, bagize ipfunwe ryinshi ku gihe cy'umushinjacyaha Richard Goldstone ukomoka muri Afurika y'epfo (watangiye mu mpera z'umwaka wa 1994 akageza ku itariki ya 30 Nzeri 1996), kubera ko mu byo yakoze nta cyasubizaga ibyifuzo byabo. Byarabonekaga ko Urukiko rushyiriweho kuzamara igihe, abakozi barwo bimenyerezaga imihini mishya y'ibihe biruhije ugereranije n'imbata bagombaga kurema, bakoraga ubushakashatsi bw'ingeri zose, ntacyakozwe kigaragara mu guta muri yombi abaregwa (hafashwe 14 gusa) kandi ntihagira n'umwe uburanishwa. Ikibabaje kurushaho ni aho kwibanda ku banyapolitiki bakomeye, itsinda rya mbere ry'inzandiko zo gufata abakurikiranwe ryibasiye cyane cyane abanyapolitiki bo mu rwego rw'intara cg rw'akarere, nka Clément Kayishema wari perefe wa Kibuye ; Alfred Musema wari umuyobozi w'uruzini rw'icyayi ; Joseph Kanyabashi, burugumesitiri wa Ngoma-Butare, umujyi wa kabiri mu Rwanda, cg se abubahirizaga amabwiriza gusa nka burugumesitiri Jean-Paul Akayesu wo muri perefegitura Gitarama cg Élie Ndayambaje wo muri Butare. N'ubwo ababikurikiraniye hafi benshi babonye ko kuburanisha umuntu "usanzwe" nka Jean-Paul Akayezu, kimwe n'abandi ba burugumesitiri benshi, byari bihagije kugira ngo bibe ikimenyetso cyiza kandi cyigisha, byaragaragaye ko ibyo abantu bari bateze ku bucamanza mpuzamahanga byari mu rundi rwego. Nkuko byari bimeze ku rukiko rw'i La Haye rushinzwe kuburanisha imanza z'icyahoze ari Yugosiraviya, urukiko rwa TPIR rwari rushinzwe "guca intege abari ku isonga" ry'abakoze ibyaha by'ubugome birenze urugero mu gihe cy'intambara. Ifatwa rya visiperezida w'*Interahamwe*, Georges Rutaganda, ni ryo ryonyine ryari ryubahirije iyo ntego.

Mu mwaka wa 1996, umushinjacyaha Goldstone yahinduye icyerekezo ubwo yafatishirizaga muri Kameruni abaregwa benshi bo mu mwanya w'ibanze : Ferdinand Nahimana na Jean-Bosco Barayagwiza bavugwaho kuba abayobozi ba Radiyo RTLM ; koloneli Théoneste Bagosora, umukuru w'ibiro muri minisiteri y'ingabo na liyetona-koloneli Anatole Nsengiyumva, wahoze ayobora serivisi z'iperereza za gisirikari, akaba yari umukuru w'akarere k'imirwano ka Gisenyi. Ariko ntiyabonye igihe cyo kubimurira muri gereza ya Arusha. Umushinjacyaha w'Umunyakanada, Louise Arbour (watangiye imirimo ku ya 1 Ukwakira 1996 ageza ku ya 14 Nzeri 1999) ni we wabikoze kandi ashyiraho n'umushinjacyaha wungirije mushya, Bernard Muna, umunyamategeko ukomoka muri Kameruni wahawe inshingano zo gushyira mu ngiro ingamba zikurikirana by'ibanze

abayobozi ba politiki, abari muri Guverinoma y'agateganyo, abakuru ba gisirikari n'abayobozi b'itangazamakuru.

Ubwo rero hatangiye icyiciro kirekire cyaranzwe n'agatereranzamba ko gufata abantu benshi, buri gihe bigakurura umuvundo mu ngerero z'urukiko. Iyo nkubiri yo gufata abantu benshi yatewe n'uko hagombaga kuboneka imibare itubutse mbere y'uko ibiro by'umushinjacyaha bitanga raporo ya buri mwaka, ibyo ari ukugirango bahoshe ikinegu, giturutse cyane cyane ku bategetsi b'U Rwanda binubiraga ubuzarire bw'urukiko no kuba nta bushobozi rwiyumvamo rwo gutangiza imanza[6], ariko cyane cyane ubwo kuzisoza. Bityo, urubanza rumwe gusa ni rwo rwari rwaratangiye muri Nyakanga 1997 ubwo Louise Arbour yakoraga Operasiyo "NAKI" (Nairobi-Kigali) yafatiwemo abantu 9 bakekwagaho ibyaha muri Kenya, muri bo harimo uwahoze ari minisitiri w'intebe wa Guverinoma y'agateganyo, Jean Kambanda ; uwahoze ari minisitiri w'Umuryango n'iterambere ry'abategarugori, Pauline Nyiramasuhuko, umugore wa mbere washinjwe n'urukiko mpuzamahanga itsembabwoko n'ibyaha by'ubugome byibasiye inyokomuntu ; umuhungu we, *Interahamwe* Sharom Ntahobari ; jenerali Gratien Kabiligi ; uwahoze ari umunyamakuru Hassan Ngeze ; uwahoze ari perefe wa Butare, Sylvain Nsabimana n'umuzungu ufite ubwenegihugu bw'Ubutaliyani n'Ububiligi, Georges Ruggiu, wahoze atanga ibiganiro kuri Radiyo RTLM. Ikindi gikorwa nk'icyo cyahawe izina "KIWEST" cyakozwe mu mwaka wa 1998 muri Afurika y'uburengerazuba. Cyari kigambiriye gufata abayobozi ba Muvoma bari barahungiye muri Mali, Bénin, na Togo[7], nuko hatabwa muri yombi Emmanuel Bagambiki wahoze ari perefe wa Cyangugu, na Juvénal Kajerijeri, wahoze ari burugumesitiri wa Mukingo muri perefegitura Ruhengeri. Abaminisitiri bane bari muri Guverinoma y'agateganyo na none barafashwe mu mwaka wa 1999, batatu muri Kameruni : Jérôme Bicamumpaka (Ububanyi n'amahanga), Justin Mugenzi (Ubucuruzi), na Prosper Mugiraneza (Abakozi ba leta), hanyuma undi afatirwa muri Kenya, Casimir Bizimungu (Ubuzima). Muri rusange, Louise Arbour yafatishije abantu 23[8], bikaba byaratumye ashimwa n'abategetsi b'U Rwanda.

Ingamba rusange zo kugeza abantu mu rukiko zari zihuje n'intego zabo ku buryo bugaragara. Mu guhitamo ikirari cy'ubufatanyacyaha, ni ukuvuga ubugambanyi bwo gukora itsembabwoko, yanditse ikirego rukomatanyo muri Werurwe 1998, agendeye ku manza zihuriweho z'i Nuremberg. Urubanza rw'ingenzi yari ateganyije, rwari ruhuje abaregwa 29 barangajwe imbere na koloneli Bagosora–ubushinjacyaha bwavugaga ko ari "umucurabwenge"

[6] Igihe cyo gufungwa by'agateganyo cyararenze bikabije, nk'uko bigaragazwa n'amakuru yatanzwe muri Nyakanga 2009 ku bantu 43 bari baciriwe urubanza nibura mu rw'iremezo. Ku baregwa 14 baburanishijwe ukwabo, mwayene y'igihe cyo gufungwa by'agateganyo yari iminsi 1.670 (imyaka 4 n'amezi 7). Igihe kigufi cyabaye iminsi 213 (amezi 7), naho ikirekire kiba iminsi 2.891 (imyaka 7 n'amezi 11). Ku baregwa 29 baburanishijwe nk'igikundi, mwayene y'igihe cyo gufungwa by'agateganyo yageze ku minsi 2.903 (imyaka 7 n'amezi 11). Igihe kigufi cyabaye iminsi 973 (imyaka 2 n'amezi 7), naho ikirekire – icya Théoneste Bagosora – kiba iminsi 5.032 (imyaka 13 n'amezi 9). Naho ku bireze bakemera icyaha, ibyo ari byose mwayene y'igihe cyabo yari iminsi 1.012 (imyaka 2 n'amezi 9).

[7] Édouard Karemera, wahoze ari minisitiri w'Ubutegetsi bw'igihugu ; Joseph Nzirorera, wari perezida w'Inteko ishinga amategeko y'ubusigire akaba yaranabaye minisitiri y'Imirimo ya leta, Mathieu Ngirumpatse, wahoze ari minisitiri w'Ubutabera, wari wikubiye imyanya ya visiperezida, umunyamabanga na perezida wa Muvoma.

[8] Ariko imanza enye gusa zo mu rw'iremezo (eshatu z'abantu ukwabo na rumwe rukomatanya) zerekeye abaregwa 6 zaciwe mu gihe cya manda ye y'imyaka itatu.

w'itsembabwoko –, rwagombaga gutanga gihamya y'ubugambanyi mu rwego rw'igihugu cyose. Abacamanza bahigitse icyo cyifuzo, babona ko urubanza nk'urwo rwahonyora uburenganzira bw'abaregwa, batsindagira cyane kandi ko imirimo yo gukurikirana abaregwa yari mu ntera zitareshya – bamwe bari baraburaniye mu ngereko z'iremezo, mu gihe abandi bari bataranafatwa. Umushinjacyaha yakomeje ariko ihame ry'imanza rukomatanyo, ariko agenda agabanya umubare w'abantu bo mu rubanza rumwe, kandi azipanga akurikije ibyiciro abakurukiranwa barimo (itangazamakuru, Guverinoma, igisirikari), cg uturere bakomokamo (Butare, Cyangugu).

Ingamba nk'izo Carla Del Ponte, umushinjacyaha w'Umusuwisi wamusimbuye (yatangiye imirimo ku ya 15 Nzeri 1999 ageza ku ya 14 Nzeri 2003) na we yarazikomeje, ariko agerageje kuvugurura no kwihutisha imiburanishirize y'imanza biramuzambana[9]. Yashishikariye gushyiraho politiki yo gukurikirana abantu ifite amatwara maremare, igaragaza neza intego urukiko rwagombaga kugeraho mu mwaka wa 2008, umwaka ntarengwa Umuryango w'Abibumbye wateganyaga ko ariho urukiko rwasoza imirimo yarwo maze rugafunga. Akurikije irangashingiro ry'icyemezo 1329 cy'Inama ishinzwe amahoro ku isi cyo ku ya 30 Ugushyingo 2000, "ibonye igitekerezo cyagaragajwe n'inkiko mpanabyaha mpuzamahanga cy'uko ari abayobozi b'abasivili, b'abasirikari n'abitwaraga gisirikari bagomba kuburanishwa na zo, ariko atari abahabwaga amabwiriza gusa", umushinjacyaha yakoresheje amalisiti anyuranye y'abashakishwaga bari bashyizwe mu byiciro hakurikijwe uburemere bw'ibyaha by'ubugome baregwaga, nuko agahora aahanika buri gihe intego ze zigaragazwa n'umubare w'imanza zizacibwa, bityo ava ku 140 zari zateganyirijwe umwaka wa 2001 ageza kuri 250 yizeraga mu mwaka wa 2003. Mu myaka ine, Carla Del Ponte yafatishije abantu 28 (ku barenga 200 bashakishwaga)barimo abahoze ari ba minisitiri Jean de Dieu Kamuhanda (Amashuri makuru) na Emmanuel Ndindabahizi (Imari) ; ba jenerali Augustin Ndindiliyimana na Augustin Bizimungu bayoboraga etamajoro, umwe iya Jandarumori, undi iy'ingabo mu gihe cy'itsembabwoko ; ba koloneli Tharcisse Renzaho (perefe wa perefegitura y'umujyi wa Kigali)na Tharcisse Muvunyi (wayoboraga Ishuri ry'abasuzofisiye ry'i Butare); Protais Zigiranyirazo, muramu wa perezida Habyarimana ; umuririmbyi Simon Bikindi, wakoreregа poropagande ubutegetsi, ndetse na majoro François-Xavier Nzuwonemeye wategekaga batayo y' "Abariki" yo mu ngabo z'U Rwanda yayogoje umujyi wa Kigali. Igiteranyo cy'imanza zaciwe nticyigeze kirenga icyo ku gihe cya Louise Arbour : 7 mu rw'iremezo (6 z'abantu ukwabo na 1 rwa rukomatanyo) mu bantu 8 bagejejwe imbere y'abacamanza.

Naho umushinjacyaha Hassan Bubacar Jallow ukomoka muri Gambiya, kuva yatangira imirimo ye ku itariki ya 15 Nzeri 2003, yatangaje rugikubita ko ibiro bye bizihutira cyane gutegura imanza zigomba kuburanishwa aho gushakisha abandi baregwa. Koko rero, igihe cyo gusoza imirimo yo gukurikirana abantu muri 2009, yari yafatishije abaregwa 12 gusa mu myaka itandatu, kandi yasinye inzandiko zishakisha abantu 90 (muri zo 11 zari zerekeye abaregwa baburiwe

[9] Carla Del Ponte agitangira manda ye yahise ahura n'ingorane zikomeye zerekeranye n'ubufatanye yari ategereje ku bategetsi b' U Rwanda, nuko, kimwe na Louise Arbour, ajya muri rwinshi ntiyabasha gutangiza imanza nshya rukomatanyo.

irengero), bityo akaba yari yunguruje lisiti ya Carla Del Ponte anacubya amarere y'urukiko. Uyu mushinjacyaha na we ashobora kwitaka ko yafatishije ibikomerezwa nka koloneli Ephrem Setako wari "ukuboko kw'iburyo" kwa Joseph Nzirorera ; abayobozi b'*Interahamwe* Yusufu Munyakazi na Joseph Serugendo ; ba minisitiri ba Guverinoma y'agateganyo Augustin Ngirabatware (Igenamigambi) na Callixte Nzabonimana (Urubyiruko), ndetse na liyetona Ildephonse Nizeyimana, umwe mu b'ingenzi bayoboye ubwicanyi i Butare, ariko abandi bose bari abantu bo mu rwego rwa kabiri.
Isuzumamumaro nk'iryo rishobora gukorerwa urutonde rw'abaregwa 12 baburiwe irengero, batatu gusa muri bo bakaba bafatwa nk'abantu b'ingenzi : Augustin Bizimana, minisitiri w'ingabo ; Félicien Kabuga, "umushoramari " w'itsembabwoko na majoro Protais Mpiranya wayoboraga umutwe urinda perezida.

Muri rusange, mu myaka cumi n'itanu abayobozi 60 bagize uruhare rukomeye mu byaha by'ubugome biremereye n'abaregwa bagera kuri mirongo itatu bo mu rwego ruciriritse ni bo baciriwe urubanza cg bakurikiranwe n'urukiko mpuzamahanga. Uwo mubare ni muto cyane urebye ikigereranyo cya mbere cyavugaga ko abantu b'ingenzi bagize uruhare mu itsembabwoko bari hagati ya 200 na 300.

Ibyo ntibyanyuze abategetsi b'U Rwanda bari bategereje ibirushijeho. Twibuke ko mu mpera za Nyakanga 1994, intambara ikirangira, FPR yatangaje urutonde rw'agateganyo ruriho abantu 200 bateguye itsembabwoko n'itsembatsemba, muri bo hakabamo abaperefe, abasuperefe na ba burugumesitiri bagera ku ijana. Cyari ikigereranyo cya mbere giciye bugufi cyane, urebye icyatanzwe na minisitiri w'Ubutabera wa mbere wa "Guverinoma y'inzibacyuho", Alphonse-Marie Nkubito (Hutu, « wabarizwaga mu mashyirahamwe yigenga[10] », igihe yatangiraga imirimo ye ku itariki ya 19 Nyakanga 1994, cyavugaga "abajenosideri" ibihumbi 10 bagomba gucirwa imanza, ni ukuvuga abayobozi 2.000 ~ 3.000 bo mu rwego rw'igihugu, n'abayobozi bagera muri za mirongo ingahe muri buri komini (zari 145). Abayobozi ba FPR bo bagezaga ku bicanyi ibihumbi amagana, bashingiye ku mibare y'abanyururu Umuryango mpuzamahanga utabara imbabare wari wabaruye mu magereza azwi, mu gihe mu mirenge y'imbere mu gihugu yigaruriwe hakorerwaga ubucamanza bififitse bwa huti huti. Nyuma rero, FPR imaze kwigarurira neza neza inzego zose za leta n'iza komini, mu ntangiriro y'imyaka ya 2000, imibare y' "abajenosideri", bashyizwe mu byiciro bitatu hakurikijwe uburemere bw'ibyaha by'ubugome baregwa, yaratumbagiye mu Rwanda hose kugeza aho, mu mwaka wa 2009, yabumbiraga hamwe abaturage b'Abahutu hafi ya bose b'igitsina gabo bari barengeje imyaka 14 muri 1994 (*reba umugereka 124*).

Naho ku bireba "abajenosideri ba ruharwa", ibarura ryabo n'itangazwa ry'amalisiti ya leta na n'ubu bihora bigaruka mu makuru agezweho mu rwego rw'ubucamanza n'urwa… politiki by'igihugu. "Urutonde (rwa mbere) rw'abantu bo mu cyiciro cya mbere" rwasohotse mu Gushyingo 1996 rwariho amazina 1.946, agenda yigabanyamo ibice hakurikijwe perefegitura bavukamo n'imirimo

[10] Umwanya we wabariwe mu yagenewe MDR.

bakoraga. Urutonde “rwo mu rwego rw’igihugu” rwariho abaregwa bashakishwa cyane rwariho amazina 110. Hakurikijwe itegeko ngenga ryo muri 1996, urwo rutonde rw’abakekwaga rwari rwakozwe n’umushinjacyaha mukuru mu Rukiko rw’ikirenga, rutangazwa mu *Igazeti ya leta* kandi rwagombaga “guhora rutangazwa ku buryo ngarukagihe kugira ngo rugaragaze ibyagendaga bihinduka”. Ivugururwa ryarwo rya mbere ryabaye ku ya 8 Nyakanga 1999, hanyuma, nk’uko byagenze muri 1996, urwo rutonde rwaramaganwe kubera amakosa arebana no kwibeshya ku bantu, kwandika amazina y’abapfuye mbere y’itsembabwoko cg se y’abatari bari mu gihugu mu gihe byacikaga. Nyuma y’amezi make, ku itariki ya 19 Mutarama 2000, umushinjacyaha mukuru yemeye ko harimo ibituzuye ndetse n’amakosa nuko atangaza urutonde rushya ruvuguruwe kandi rwuzuye rwariho amazina 2.133 (amazina 643 yakuwemo, 830 yongerwamo). Ku itariki ya 11 Mata 2001, urutonde rwa gatatu rw’abajenosideri bo mu cyiciro cya mbere rwashyize ahagaragara amazina 2.898 (hagabanyutseho amazina 36 ku rutonde rwa kabiri, hiyongeraho amazina mashya arenga 801[11]).

Guhera mu mwaka wa 2003, amalisiti yihariye y’abantu bakekwaho kuba barakoze icyaha cy’itsembabwoko mu Rwanda mu mwaka wa 1994 kandi bakaba bari mu mahanga yarakwirakwijwe kugira ngo bashyikirizwe inkiko kandi bagarurwe mu gihugu. Kuri lisiti ya nyuma (11 Gicurasi 2006) hariho amazina 93, hakiyongeraho n’andi agera kuri 20 yari yohererejwe Interpol [polisi mpuzamahanga] mu ibanga, aherekejwe n’inzandiko zisaba ko bafatwa.

N’ubwo umubare munini w’amazina ahuye ku buryo budahinyuka n’ay’abantu bakorewe iperereza n’urukiko rwa TPIR cg izindi nkiko, umugambi w’ayo malisiti usa n’aho ari muremure cyane.N’ubwo umushinjacyaha mukuru, Gerald Gahima yavuze muri Mutarama 1999 ko gushyirwa ku rutonde bidasobanura ko uri umunyacyaha, iyamamaza n’inyito z’amalisiti ubwabyo byibasiraga abantu nta kintu na gito cyerekana uwatanze ikirego cg uko icyaha giteye. Urugero ni uko na we ubwe yiyemereye ko abantu bapfuye, harimo n’aba mbere y’itsembabwoko nka perezida Habyarimana, bari bashyizweho gusa kugira ngo imitungo yabo izafatwe. Ku muntu uzi umubare w’imanza z’amasambu hagati y’impunzi z’Abahutu bari bagarutse mu gihugu na *returnees* [ni ukuvuga abatutsi *batahutse bavuye i Buganda*] biganje mu butegetsi bushya bari bigabije ibitari birimo ba nyirabyo intambara irangiye, kwemera ko iyo migirire yariho bisobanura byinshi. Ikindi kandi, urebye ingendo zitabarika abategetsi b’U Rwanda (perefe, minisitiri, abo mu muryango bari basigaye mu gihugu) bakoze mu nkambi z’impunzi kugira ngo baganire ibyo gutahuka, ibyo gusubizwa ibyabo bataye, aho basezeranyaga bamwe kuzabavana ku malisiti cg se bagakangisha abatavuga rumwe n’ingoma iganje kuzayashyirwaho, biragaragara ko amalisiti yakoreshwaga nk’igikangisho cya politiki ku mpunzi z’Abahutu. Ayo malisiti yari ashingiye ku rubibi rwaguye cyane rw’icyo bitaga ibyaha by’ubugome byerekeranye n’itsembabwoko, kandi rero byashoboraga kwitirirwa ikintu cyose gisa n’ikidashyigikiye ubutegetsi bushya, cyane cyane kuva aho “kurema udutsiko”, “amacakubiri” n’ “ingengabitekerezo y’itsembabwoko” byinjirijwe mu

[11] Igazeti ya Repubulika y’ U Rwanda, no 2279, Kigali, Mata 2001.

mategeko mpanabyaha y'U Rwanda. Bityo, amazina y'abantu batari barigeze bavugwa mu by'itsembabwoko yavanwaga cg agashyirwa ku malisiti bitewe n' "ubutumwa" bwo mu rwego rwa politiki abayobozi ba FPR bifuzaga kubagezaho babinyujije mu ishami ry'ubutabera. Kugira ngo bagere kuri iyo ntego, ntibigeze bazuyaza gukora inzandiko zo gufata abantu z'impimbano, bakanazohereza mu rukiko rwa TPIR ngo izemeze kandi ikomerezeho kubakurikirana. Amadosiye menshi yashoboye gutahurwa yerekana ko ibyo byakomeje gukorwa. Idosiye ntangarugero yabonetse muri Kanama 2007 mu Banyarwanda bakurikiranwaga n'ubugenzacyaha bw'ibihugu bahungiyemo biturutse ku rwandiko rw'ibanga rubafatisha rwatanzwe n'U Rwanda kandi rusaba ko bagarurwa iwabo. Ibirego uwo muntu yagerekwagaho byari byemejwe n'ubuhamya bwinshi bw'abagabo [bavugwa ko] bavuga ibyo bahagazeho mu Rwanda mu gihe cy'itsembabwoko muri Mata- Kamena 1994, nyamara kandi uwo muyobozi ukomeye wo muri MRND yari yarahungishijwe na ambasade y'Ububiligi intambara igitangira, hakaba hari gihamya y'uko atigeze asubira mu Rwanda.

Ubirebye neza, usanga imyanzuro y'ingenzi y'isuzuma ry'uburyo bwo gutoranya abaregwa ishingiye ku byateganyirijwe abantu bari muri ibi byiciro bitatu : Abari babanje gukurikiranwa igihe gito, ariko bakaza guhonoka ubucamanza mpuzamahanga ; abafashwe koko kandi bagacirwa urubanza ; hanyuma, hakaba abatarigeze batekerezwa n'ubucamanza mpuzamahanga, n'ubwo hari abavugaga ko bagize uruhare rw'ingenzi mu itsembabwoko.

Itsinda rya mbere ni iry'abantu bashoboye, kubera impamvu zinyuranye, gucika ubucamanza mpuzamahanga kandi bari barigeze, igihe iki n'iki, kugerekwaho ibirego bifite ishingiro : kubera ko nta muntu cg itsinda ry'abantu bigeze bahagurukira gushishikariza abandi kubarega no kubafungisha, kuko gihamya zari zakusanyijwe zitari zihagije, kuko abatangabuhamya bari bigaragaje batongeye gushaka gutanga ubuhamya, kuko abo bantu bashoboye "kuzimira" cg se kwiyoberanya, ariko cyane cyane, buri wese mu rwego rwe, yarwanyweho n'urusobe rw'amasano ashingiye ku muryango – ku turere cg kuri politiki – rwiyemeje kwishingira ibyo baba barakoze mbere cg se rukabahagararaho mu gihe barezwe. Abandi kandi, baba mu Rwanda cg se mu mahanga, ni abagiranye imishyikirano n'ubwumvikane n'abayobozi b'i Kigali, bityo bagahabwa ubudahangarwa bwizewe bwo kudahanwa. Aha umuntu yavuga abantu b'ibikomerezwa (abanyapolitiki, abasirikari bakuru, abashoramari n'abacuruzi) batakivugwa maze ibyo bigatuma bibagirana. Na none nta wavuga ko bikinze ibyo gukurikiranwa burundu, kandi no kwisubiraho bibabaje birashoboka igihe icyo ari cyo cyose, gusa rero igitekerezo cy'uko abatarahanwe bazagira ubwo bakurikiranwa kiragenda kiyoyoka kubera impamvu ebyiri z'ingenzi. Ku ruhande rumwe, ibiro by'umushinjacyaha byahanantuye imihigo ihanitse yo gukurikirana abantu hagati ya 300 na 400 maze bisigaza 90 gusa ; ku rundi ruhande, amalisiti y'U Rwanda arakemangwa, kandi muri 2009, ibihugu bike cyane bikabije ni byo byatekerezaga bikomeje ibyo kuzasubiza mu Rwanda ababihungiyemo. Ikigaragara cyo ni ikingiki : abari bazi ko bashakishwa n'urukiko rwa TPIR bagahitamo kurwishyira kugira ngo ibyo "bive mu nzira", cyane cyane mu gihe Carla Del Ponte yari yakutuje mu mirimo y'urukiko, bakoze

imibare nabi cg se nta kundi bashoboraga kubigenza : Abenshi mu baregwa bafashwe, birumvikana, ni abashoboraga kugerwaho vuba cg se abatarigeze bihisha na gato.

Ingingo ya kabiri irebana n'abaciriwe urubanza. Muri rusange, nta wahakana yuko abagize uruhare rw'ingenzi mu itsembabwoko bafashwe bagacirwa imanza. Nubwo hari ingingimira ku buryo ibihano byagenwe, uko abaregwa umunani bagizwe abere, ndetse n'impamvu hari abantu bakoraga umurimo umwe n'abagize uruhare rungana ariko bamwe bagakurikiranwa bagakatirwa ibihano abandi bakabihonoka, muri rusange imanza zimaze gucibwa zitanga ishusho nyakuri y'abagize uruhare rw'ingenzi mu itsembabwoko : abayobozi bakuru ba gisivili n'aba gisirikari, abanyapolitiki, abasirikari bakuru, imitwe yitwara gisirikari, abayobozi bo mu nzego za perefegitura na komini, abayobozi b'ibigo leta ifitemo imigabane, abashoramari n'abogezamatwara. Yerekana uko Guverinoma y'agateganyo yanogeje gahunda y'itsembabwoko mu izina rya leta y'U Rwanda mu minsi yakurikiye igikorwa cy'iterabwoba cyo ku ya 6 Mata 1994. Iyo shusho yerekana kandi uko ibikoresho bya leta byashowe mu itsembabwoko n'ukuntu gahunda zo gushyira mu bikorwa itsembabwoko zagiye zitandukana hirya no hino mu maperefegitura no mu nzego z'imirimo.

Ibiri amambu, ibiro by'umushinjacyaha byakomeje kubura ingingo zo gushyigikira igitekerezo remezo cy' "ubwumvikane" bw'abaregwa – bwakajyanye n'ukwishyira hamwe kwabo n'imyiteguro bigamije gukora itsembabwoko – byari byagizwe kamara mu ngamba zo gukurikirana abaregwa zari zishingiye ku bitekerezo byashyizwe imbere n'intiti zo muri kaminuza n'abaharanira uburenganzira bw'ikiremwamuntu. Uretse imanza ebyiri zageze mu rwego rw'ubujurire zigacibwa kimwe no mu rw'iremezo[12], gihamya z' "ubwumvikane" zatanzwe n'ubushinjacyaha ingereko zose zasanze zidahagije, mu rubanza urwo ari rwo rwose. Igitekerezo cy' "akagambane" cyakomeje kwitsitswaho mu manza zose zahurijwe hamwe hashingiwe ku mirimo cg uturere [by'abaregwa] cyatakaje burundu agaciro ko gusobanura ibyaha muri rusange ariko nyamara gikomeza kugira ireme ryo kwitabwaho. Aha rero wenda niho hari umusanzu ukomeye dukesha imanza zo mu rukiko rwa Arusha : ihame ry'ubwumvikane cg akagambane usanga rigeza ku myanzuro ishimishije koko iyo rikoreshejwe mu buryo n'inzira z'ibintu bisobanutse neza, ni ukuvuga igihe rifasha gusobanura ukuntu ku gasozi runaka, muri komini runaka, muri perefegitura iyi n'iyi, mu butegetsi ubu n'ubu, abantu banyuranye bahurije hamwe ingamba zo gutsemba abaturage batabarika. Kuba igitekerezo ko habayeho "abacurabwenge" [b'iitsembabwoko] gisa n'ikitarabona kugeza ubu gihamya zihagije zo kugishimangira, impamvu ni uko uburyo itsembabwoko ryakorwagamo umunsi ku munsi byaterwaga n'uruhurirane rw'ibyemezo byinshi bitaturukaga buri gihe ku "mucurambwenge" umwe rukumbi cg ku mushinga nyogabihe.Ubushakashatsi bwakorewe aho ibintu byagiye bibera bwerekanye neza ko ahubwo ibintu byagenze ku buryo butagira aho buhuriye na hato, kandi, hirya y'ibihuriweho, ubushakashatsi bugaragaza ko abicanyi bo mu rwego urwo

[12] Ikizwa ry'imanza za Jean Kambanda wari minisitiri w'intebe na Éliezer Niyitegeka wari minisitiri w'Itangazamakuru, muri Guverinoma y'agateganyo.

ari rwo rwose « bashyizeho akabo ». Ibyitwazo rusange by'urugomo, by'ubwoba n'iby'irondakoko bigaragarira bityo mu mabwiriza yatanzwe no muri gahunda zateguwe. Ibyo bikorwa byose bisaba kurundanya ibikoresho byitabazwa n'abantu bazwi neza amazina mu kibariro cy'igabanamirimo rinoze. Iyo mitekerereze ishyira imbere ba nyirabayazana b'iyo ntambara bazi neza icyo bakora, ishobora no kwifashishwa mu gusobanura ibikorwa "bihubukiwe" cg "bya gatozi kuri buri wese" mu matsinda ariho cg abantu bikorera "ku giti cyabo". Gutegurana inzandiko z'ibirego ku buryo bunoze no gutanga gihamya y'ibyashinjwaga abagize ubushobozi cg amayeri yo guhishira uruhare rwabo, cg byo gushora abandi mu "gukora" [amarorerwa] byaje gushoboka kubera ibyari bimaze kwigirwa ku manza ndetse na za anketi zitabarika zari zimaze gukorwa ku baregwa bo mu "rwego ruciriritse" bo muri perefegitura za Kibuye, Kigali ngari, Butare, Cyangugu n'iya Gitarama.

Icya gatatu umuntu yakwibaza ni icy' "abacurabwenge" ubucamanza mpuzamahanga bwaba bwaribagiwe. Koko rero, abantu bashoboraga kwibwira ko ibiro by'umushinjacyaha bizashyira ku mwanya w'imirimo y'ihutirwa imanza z'abari bagize Akazu – Agathe Kanziga, umugore wa perezida Habyarimana n'abari mu "gatsiko" ke – bari izingiro rya "Hutu Pawa". Nyamara, uretse ifatwa mu by'ukuri ritari rigambiriwe rya Protais Zigiranyirazo (*Reba umugereka 125*), musaza wa Agathe Kanziga, muri Kamena 2001 i Bruxelles, ikibazo cy' "abadahanwa", ni ukuvuga "abantu bose, kubera umwanya bari bafite muri leta cg se bari bafite igitinyiro mu ibanga, bagombaga kuba barisobanuye ku bikorwa byabo, cg se ku byo banze gukora mu gihe cy'itsembabwoko, - kandi bakaba batarigeze bisobanura", cyazamuwe icyo gihe na Stephen Smith kiracyafite ishingiro :

> " Kuki Agathe Kanziga adashakishwa ?
> – Ni nde ukubwira ko adashakishwa ?", nguko uko Carla Del Ponte, umushinjacyaha mukuru w'urukiko rwa TPIR yasubije, mu kiganiro yagiranye n'ikinyamakuru *Le Monde* muri Mata. Kubera ko "lisiti gaheza" – yariho abantu bashakishwa n'urukiko mpuzamahanga – yari ibanga, bizaruhanya cyane kuyivuguruza. Nyamara umufasha wa perezida w'U Rwanda yabaye imyaka itari mike muri Gabon, kandi ku mugaragaro, ntihagira umuntu wo mu rukiko rwa TPIR uza kugira icyo amubaza. Byongeye kandi, kuva muri 1998 Agathe Habyarimana yagiye abonana n'umwunganizi washakaga kumutangaho umugabo mu rubanza rubera Arusha. Yabanje kubyemera, ariko nyuma umwunganizi amumenyesha ko "urukiko rutari rubishishikariye"[13]."

Byongeye kurushaho gutangaza, mu ntangiro z'umwaka wa 2007, igihe ababikurikiranira hafi bose bibwiraga ko kubera ko Agathe Kanziga yangiwe incuro ebyiri ubuhungiro mu Bufaransa na Ofisi y'Ubufaransa irengera impunzi n'abatagira igihugu (OFPRA) nyuma akabwangirwa na Komisiyoy'ubujurire bw'impunzi (CRR)[14], ibyo byagombaga gukurikirwa n'uko urukiko rwa TPIR rutanga urwandiko rwo kumuta muri yombi. Ibyo byashimangirwaga cyane cyane n'uko umwanditsi wa komisiyo y'ubujurire yari yatangaje ko hariho urwandiko rwasinywe na TPIR rwo gufata Agathe Kanziga. Nyamara ariko ibyo

[13] Stephen Smith, "Rwanda : l'Injustice internationale [akarengane mpuzamahanga]", *Le Monde*, 19 Gicurasi 2001.

[14] Ofisi y'Ubufaransa irengera impunzi n'abatagira igihugu (icyemezo cyo ku ya 4 Mutarama 2006), Komisiyo y'ubujurire bw'impunzi Iicyemezo cyo ku ya 15 Gashyantare 2007, *reba umugereka 54*).

ntibyigeze biba ukuri na riwe, haba ejo hashize haba n'uyu munsi. Ni kimwe n'iby'ikurikiranwa rya Séraphin Rwabukumba, mwene se wa mukaperezida utuye mu Bubiligi : urukiko rwa TPIR n'ubucamanza bw'Ububiligi bwarabiretse.

Muri ibi bintu bibiri hagomba kuba harimo icy'ukuri : Urukiko mpanabyaha mpuzamahanga n'inkiko z'ibihugu zirebwa n'iyo dosiye (Ubufaransa n'Ububiligi) nta bimenyetso bifatika zifite byashobora gushingirwaho ikirego, cg se ntizishaka gukurikirana abo bantu kubera impamvu zidafite aho zihuriye n'ubutabera. Impamvu ya mbere muri izo yashimangiwe ku itariki ya 16 Ugushyingo 2009 igihe urukiko rw'ubujurire rw'i La Haye rwagiraga Protais Zigiranyirazo umwere. Kubera kutagira gihamya zifatika, abashinjacyaha nk'uko bikunze kugenda kenshi bashyize imbere ibimenyetso mpimbano by'abashinjabinyoma ishyano ryose batangwa n'abayobozi bo mu bucamanza bw'U Rwanda kandi nyamara bari bafite ibimenyetso bigaragaza neza ko uregwa atari aho ibyaha by'ubugome ashinjwa byabereye. Nguko uko abunganizi bashize amanga n'abacamanza badasobwa b'i La Haye bahesheje uregwa gusubirana ukwishyirukizana kwe. Impamvu ya kabiri ishingiye kuri politiki yo guciririkanwa. Abategetsi b'U Rwanda ba kino gihe bahangayikishijwe n'ibintu bibiri bivuguruzanya : Kimwe ni ugukora ibishoboka byose bagahindura ruvumwa abo mu muryango w'uwahoze ari perezida bityo bahashaka ko bakurukiranwa mu butabera kugira ngo bushimangire icyo cyasha; ikindi ni ugusaba bakomeje kandi babishyizeho umwete ko habaho urubanza nyakuri. Nyamara rero, nta kuntu amaherezo urwo rubanza rutashoza impaka zivuguruzanya ku gikorwa cy'iterabwoba cyo ku itariki ya 6 Mata, ku banyamahanga bagishyigikiye no ku byaha by'ubugome by'intambara n'ibyibasiye inyokomuntu byajyanye n'ingamba FPR yahisemo zo kwigarurira ubutegetsi ikoresheje intwaro. Kuba FPR yarabashije kuva urukiko rwa TPIR rwabaho gukoresha ibikangisho n'iterabwoba igahagarika anketi zose zerekeye amarorerwa y'ingabo zayo, ikaba yarahawe n'umushinjacyaha Hassan Bubacar Jallow ubutoni buhoraho bwo kutazigera ihanirwa ibyaha by'intambara n'ibyibasiye inyokomuntu ishinjwa–ubutoni bwashimangiwe n'Inama ishinzwe amahoro ku isi y'Umuryango w'Abibumbye ku itariki ya 4 Kamena 2009–, nta mushinjacyaha n'umwe wari kubona mu mutima-nama we imbaraga zo gutinyuka gukurikirana umupfakazi wa perezida Habyarimana.

Amayobera abundikiye ayo madosiye akurura urwikekwe kandi akanaruhembera. Nyuma y'imyaka cumi n'itanu ibintu bibaye, bikwiye kwamaganirwa kure kuba urukiko mpuzamahanga rwigenga rwashinzwe gutangaza ukuri rugaragaza ko rudashobora kuburanisha abakoze itsembabwoko "nyabo" n'ab'ingenzi "bariteguye" ndetse ntirugire n'igisobanuro rutanga. Gutuma abantu batekereza ko rwaba rugiye kuzarangiza manda yarwo rudashoboye kugaragaza uruhererekane rw'inzego uko zikurikirana z'abagize uruhare mu itsembabwoko, mu by'ukuri ibyo ni ugutesha agaciro ibyo rwagezeho byose. Icya nyuma, ni uko iyo myifatire ifite ingaruka ziremereye, kuko itiza ingufu ibihuha n'ibitekerano by'ubugambanyi bimaze kuba rwamwa. Urebye icyuka kibi kibuditse ku kintu cyose cyerekeye umuryango w'uwahoze ari perezida n'ibyegera byawo, birababaje ko urukiko rwa TPIR, kubera gukomeza kwicecekera, rutuma abantu bibwira ko hari amabanga abakoze ibyaha

by'ubugome basangiye n'ababakingiye ikibaba bakomeye cyane ku buryo nta n'uwatinyuka kuvuga abo ari bo.

Kuba ubucamanza mpuzamahanga bwarananiwe gufata Félicien Kabuga uzwi muri rusange ko yari "umunyemari w'itsembabwoko" kandi utungwa agatoki kuva mu mwaka wa 2001 ko ari we "mwanzi nomero ya mbere" -umwanya mbese yambuye Agathe Kanziga – birushijeho gutera icyo ni iki. Ibyo biratangaje mu gihe Leta Zunze Ubumwe z'Amerika zatanze akayabo ko kugororera uwazagira uruhare mu gufatisha uwo muntu urukiko rwa TPIR ruvuga ko yaba yibera muri Kenya. Umunyemari Félicien Kabuga uvugwaho kuba yarateguye itsembabwoko, agaha amafaranga Radiyo RTLM n'*Interahamwe* yinjijwe mu muryango wa perezida n'amasano ashingiye ku bushyingirane (abakobwa be babiri barongowe n'abahungu ba perezida Habyarimana, (*reba Incamake ya 5*). Kimwe n'ibyerekeye umukwe we Augustin Ngirabatware, minisitiri w'Imigambi ya leta muri Guverinoma y'agateganyo, amaherezo wafatiwe mu Budage muri Kanama 2007, ubushobozi buke, abakingakibaba babifitemo inyungu n'iringaniza ryo mu rwego rwa politiki mu isuzuma ry'amadosiye y'ibikomerezwa ni byo byonyine bishobora gusobanura ubwo budebeke (*reba umugereka 84*).

Ikirushijeho gutangaza, ni uko mu gihe itangazamakuru rihora risakuza iby'iyo mpunzi y'ikirangirire–batazi niba anagishobora gukora ingendo-, birakwiye kwibaza impamvu inzandiko zimurega, kimwe n'iz'umukwe we, zisa nk'aho zirimo ubusa kugeza ubu. Icyo kibazo gifite ishingiro, cyane cyane ko kireba abantu babiri baregwa kuba baratanze amafaranga yo gukora itsembabwoko.

*Uko ikibazo cy'abatanze amafaranga yo gukora itsembabwoko cyakomeje kuzinzikwa*

Ibyababaye kuri iki gice cya anketi zerekeye ibikomerezwa byo ku ngoma ya Habyarimana byumvikanisha neza zimwe mu ngorane ubugenzacyaha bwahuye na zo. Kuva mu ntagiro z'urukiko rwa TPIR, bari bimbitse imbaraga nyinshi mu gushakisha amakuru arebana n'amafaranga yakoreshejwe mu ntambara n'itsembabwoko, kandi ibyo babikajijemo umurego mu mwaka wa 2000[15]. Abantu bari bategereje kubona gihamya "zidakuka" (ni ukuvuga, zanditse). Abakoze anketi bujuje ibigega by'impapuro zisa n'izidatonze neza zerekeye ingengo y'imari n'imikoreshereze yayo muri za minisiteri, zerekeye ibaruramari ry'igihugu, amafaranga yinjiye n'ayasohotse n'ayakomotse mu mahanga. Amaherezo, abakoze anketi n'inzobere bageze ku myanzuro mike cyane, nko kugaragariza mu mibare ko ubukungu bwari ubw'igihe cy'intambara cg se ko umubare w'imihoro yatumizwaga mu mahanga wiyongereye mbere y'itsembabwoko (iki bakaba barakomeje kugitanga nka gihamya y'uko itsembabwoko "ryateguwe"). Ku bw'abacamanza, ibyo bimenyetso ubwabyo ntibihagije kugira ngo abaregwa bahamwe n'icyaha.

Muri Gicurasi 2001, mu gihe cyo gusuzuma dosiye ya Alphonse Higaniro[16], umwe mu baregwa mu rubanza rw' itsembabwoko rwa mbere rwabereye mu

[15] Izo anketi zari zigamije gusa kureba niba hashobora kuboneka uburyo bwo gufatira amafaranga yo kuri konti z'abahunze (inama ishinzwe umutekano yo ku itariki ya 2 Kamena 2000).
[16] Alphonse Higaniro yari umuyobozi mukuru wa Sorwal, ikigo gikomeye cy'i Butare leta yari ifitemo imigabane.

Bubiligi, n'icyo gutegura urubanza bita "urw'i Butare" rubera Arusha, byari byagaragajwe neza ko anketi zidasambira byinshi zari zerekanye ku buryo budakuka uko amafaranga menshi cyane yagiye aturuka mu bigega by'ibigo by'inganda leta ifitemo imigabane – byacungwaga n'abari mu Kazu cg se ibyegera byako- agahabwa abayobozi benshi b'amashyaka yari mu gipande cya perezida (*reba umugereka 25*). Ni bwo rero anketi zerekeye amafaranga zongeye gukorwa, ariko zishingiye ku misingi mishyashya.

Imikorere bwite y'ibigo byegamiye kuri leta binyuranye imaze gutazurwa (cyane cyane iya Cimerwa – Uruganda rwa sima rwo mu Rwanda), byaroroshye cyane gutahura ibigo n'amakonti ya banki y'abayobozi babyo. Kuva mu isuzuma ry'ikubitiro, ibimenyetso byabonetse byashinje ku buryo budakuka abanyapolitiki benshi bashyirirwaga amafaranga kuri konti nta no kugerageza kubihishira. Ibyo rero bikagaragaza ukuntu, mu ntangiro za 1990, ibikomerezwa byo ku ngoma byumvaga ko ari indahangarwa ndetse n'uko imikorere y'amabanki yemeraga iyo mikorere. Byarashobokaga rero kugenzura nta ngorane uko Akazu ka perezida n'ibyegera bye bari barapanze gukoresha amafaranga yatanzwe n'abashoramari b'ingenzi (Banki y'isi cyane cyane) cg se yavanwaga ku bucuruzi bwa lisansi. Iryo genzura ryagaragaje amafaranga yahawe abanyapolitiki n'amashyaka mashya yishyiriweho n'igipande cya perezida ndetse risuzuma uko ibikomerezwa byo ku ngoma byoherezaga amafaranga mu mahanga kuyabitsayo mu gihe cy'itsembabwoko, binyujijwe mu Bubiligi, mu Bufaransa no mu Busuwisi. Ibyo byakorerwaga cyane muri Bacar no muri Banki ya Kigali.

Hari ibintu bibiri binyuranye : Kimwe cyari ukumenya uko amafaranga yagiye agera kuri za konti hakurikijwe amabwiriza minisitiri w'Ubutabera w'U Rwanda yahaga ubwe abakozi bakuru bo muri banki zinyuranye zo mu gihugu; ikindi kikaba icyo gushobora kohereza urukiko rwa TPIR impapuro gihamya zose zabaruwe. Urukiko rwa TPIR rukimara gusaba ku mugaragaro kohererezwa izo gihamya, abayobozi b'ibigo bicunga imari by'i Kigali bahise bacikiza anketi ku buryo butunguranye, nuko bamaze kubyumvikanaho ubwabo kandi babyemerewe n'ubuyobozi bwabyo bwo mu mahanga, banga gutanga impapuro zigaragaza ibyo abanyapolitiki bireba bagiye bakorana n'amabanki, ndetse na kopi za sheki zajyanaga na byo. Bakimenyeshwa uko ibyo bintu byifashe, abategetsi b'U Rwanda bacitsemo ibice bibiri kuri iyo dosiye, "abashakaga kubimenya" n'abatari babyitayeho. Nyuma yaho, n'ubwo urukiko rwandikiye minisitiri w'Ubutabera amabaruwa menshi kandi n'ibiro by'umushinjacyaha bigakurikirana icyo kibazo, byarananiranye gusubukura anketi no kuzisoza. Koko ngo izo anketi zashoboraga guhungabanya gahunda y' "ubwiyunge bw'igihugu" zitera impungenge abacungabukungu bashinzwe ibyo kwinjiza no gusohora ibicuruzwa mu gihugu bibwiraga ko kuva ubwo bari basonewe gukorwaho anketi. N'ubwo muri kino gihe uburyo mbonera bwo gushakisha bwanonosowe, inzira amafaranga n'ibicuruzwa byanyuzwagamo zo ntizahindutse cyane (*reba umugereka wa 126*).

Biraboneka ko mu bireba ubucuruzi n'amafaranga, "ubwiyunge bw' igihugu" bwatangiye kare kandi bugatoranya. Abategetsi bashya ni bo bishyiriragaho ibya

ngombwa bisabwa kandi bashoboraga no kugira umwere uwo bashaka. Bahereye ku baterankunga b'abanyamahanga bahishiraga amahano yerekeye amafaranga yakozwe n'ibikomerezwa by'ingoma ya kera n'ay'iby'ingoma iganje, ku bihugu byakiriye impunzi bikavunja amafaranga yajyanywe yo mu gihe cyo guhunga[17], hanyuma, ku buryo bwaguye, ku bantu bose bari bafite imari cg imitungo, abanyamahanga n'abanyagihugu, bifuzaga kurenza ku byahise kandi bakagaragaza ko biteguye kugira uruhare mu bikorwa byo gusana igihugu. Ingingo bitwazaga y'uko urukiko rwa TPIR nta nshingano yo gukurikirana ibya ruswa rwari rwarahawe yatumye ruzitirwa gukora anketi ku gatereranzamba k'uburyo umutungo w'igihugu wakoreshejwe mu mushinga w'ubugizi bwa nabi (gutwara abantu, kubahemba, imikoreshereze y'amafaranga, nb.). Ibyo byatumye urukiko rwa TPIR runiga anketi zarwo bwite, bityo ubugenzacyaha bubura ibimenyetso simusiga bitashoboraga kugira ikindi kibisimbura.

Hashobora gutangwa n'izindi ngero zigaragaza neza ko, kimwe n' "amalisiti" y'U Rwanda y'abaregwa ahora ahindagurika, ay'urukiko rwa TPIR (yari afite, uyagereranyije n'ayandi, akarusho ko kugirirwa ibanga) yashoboraga kongerwaho cg kuvanwaho amazina bitewe n'uko ibirego byatangwaga, kandi n'uko intego za politiki y'abanyamahanga zabigenaga. Koko rero, uhereye ku gusaba bisanzwe ukageza ku bikangisho birimo iterabwoba, abategetsi bo mu bucamanza bw'U Rwanda bitabaje uburyo bw'igitugu bwose bushoboka, kandi hafi buri gihe bikabahira, kugira ngo bazitire anketi zimwe z'abashinjacyaha b'urukiko mpanabyaha mpuzamahanga bose uko bakurikiranye, cg se bakabatsindagira amadosiye y'abagomba gukurikiranwa bihitiyemo ubwabo, bakurikije intego za politiki babonaga zihutirwa. Bo basangaga ukwo kwivanga babifitiye uburenganzira buri gihe, n'ubwo bwanyuranyaga ku buryo butaziguye n'ihame ry'ubwigenge bw'umushinjacyaha kandi bugatiza umurindi abarwanya politiki ibogamye cyane y'ubugenzacyaha bw'urukiko rwa TPIR.

*Ubucamanza bubobagamiye ku ruhande rumwe*

Manda y'urukiko mpanabyaha iteganya ko, ku manza z'abakekwa kuba baragize uruhare mu itsembabwoko, rugomba no kongeraho iz'abakekwa kuba baragize uruhare mu byaha by'ubugome byibasiye inyokomuntu n'ibyaha by'intambara byakozwe hagati y'itariki ya 1 Mutarama n'iya 31 Ukuboza 1994, bityo ikaruha ububasha bwo gukurikirana ibyaha by'ubugome byo muri izo ngeri byakozwe n'abasirikari ba FPR mu gihe cy'intambara no mu mezi atandatu yakurikiye intsinzi yayo. FPR yahise yanga iryo hame rugikubita.

Nkuko byemejwe mu mwanzuro w'Inama ishinzwe amahoro ku isi, amategekoremezo y'urukiko rwa TPIR ahatira, ku buryo bw'ihame, ibihugu – harimo n'U Rwanda –, gufatanya n'urukiko. Nyamara mu ntureka z'amakimbirane hagati ya FPR n'Umuryango w'Abibumbye kubera ko Misiyo yawo yo gufasha U Rwanda yari yarabuze ingufu igapfuba, ubwisanzure bw'urukiko n'inkunga y'abari barushyizeho byagerwaga ku mashyi. Intsinzi idasangiwe ya FPR ku "bajenosideri" yahaye uburenganzira budasubirwaho

[17] Usanga ari ibintu bisekeje iyo bene ayo makonti bageze muri gereza ya Arusha bagahabwa imfashanyo zo kubunganira mu manza kubera ko ari abatindi nyakujya…

"ababohoye igihugu" mu rwego rwa gisirikari, rwa politiki n'ingenabitekerezo, imbere mu gihugu no mu mahanga. Bityo rero, imaze gushinga ibirindiro i Kigali muri Nyakanga 1994, FPR yagenzuye inzego zose z'ubutegetsi. Nta washoboraga gushidikanya ku migambi w'abategetsi begukanye intsinzi yo gutegeka igihugu nk'uko bari bayoboye intambara, n'iyo kwishingikiriza, mu mibanire yabo n'Umuryango mpuzamahanga, ikirego cyo kuba warafunze amaso ku itsembabwoko.

Mu ntangiro z'umwaka wa 1995, ni bwo ubushake bwa FPR bwo kwikiza imbibi zose zashoboraga kuzitira ubwigenge bw'igihugu bwagaragariye mu bikorwa birimo urugomo byo "kugarura amahoro" mu cyahoze ari akarere ka "Operasiyo Turquoise" kari kakirinzwe na Minuar. Yemerewe kandi ku itariki ya 5 Kamena 1995 n'Inama ishinzwe amahoro ku isi ko inshingano z'abakozi n'abasirikari b'iyo Minuar zigabanywa cyane kandi bakazaba bavuye mu gihugu bitarenze amezi atandatu. Nyuma kandi, mu mpera z'umwaka wa 1996, ingabo za FPR zakemuye ku buryo burambye ikibazo cy'impunzi miliyoni ebyiri z'Abanyarwanda zari zikambitse ku mupaka, zibagarura mu gihugu ku gahato, zibahonyora (umuryango wita ku mpunzi [HCR] watangaje ko abantu 240.000 babuze "ku iperu") cg se zitorongeza abazihonotse mu bindi bihugu bya Afurika. Kwita impunzi zose z'Abanyarwanda iyo ziva zikagera "abajenosideri" byatumye FPR igera ku migambi yayo mibisha kandi yigaragaza mu maso y'abagize inama ishinzwe amahoro ku isi nk'aho yitwaye ku buryo mbonezamuco, bo bari bishimiye guhishira ubushobozi buke bwabo bagenera FPR ubudahanwa mu rwego mpuzamahanga. Bityo, mu mwaka wa 1997, Komisiyo y'Umuryango w'Abibumbye ishinzwe uburenganzira bw'ikiremwamuntu, mu gihe yakoraga icyegeranyo cy'umwaka wa 1996, yemeje ku mugaragaro ko hari abakozi bayo bahotowe mu Rwanda (*Reba Incamake ya 11*) ndetse ifata icyemezo cyo guhagarika manda y'uwari ashinzwe kwegeranya amaperereza [rapporteur] ku Rwanda. Icyemezo nk'icyo cyafashwe nyuma gato y'aho inama ishinzwe amahoro ku isi ishyiriyeho Komisiyo idasanzwe ishinzwe gukora anketi ku bwicanyi kirimbuzi bwibasiye impunzi z'Abahutu muri Zayire, umwanditsi wayo Roberto Garreton akaba yari yasabye ko ubwo bwicanyi byemezwa ko ari itsembabwoko.

Kwibutsa ibi mu ncamake ni ingenzi rwose kugira ngo umuntu yumve neza ko icyo gihe umushinjacyaha w'urukiko rwa TPIR rwari rugitaguza atari guhirahira ngo arote ibyo gutangiza anketi ku byaha by'ubugome byose n'ubwicanyi byakozwe mu mwaka wa 1994. Yahise yigizayo rugikubita ibyo kurangiza "inshingano ye ya kabiri" ijyanye n'ibyaha by'intambara n'ibyaha by'ubugome byibasiye inyokomuntu byakozwe n'ingabo za FPR [18] nuko asobanura iryo subika rye avuga ko icyihutirwa cyane cyari ugukurikirana abagize uruhare mu itsembabwoko.

Ubwo bucamanza butoranya nta mususu ntibwashoboraga kwamaganwa igihe cyose urukiko rwa TPIR rwari rugikubana no gushyiraho ingamba z'ubugenzacyaha, rutashoboraga gufata abo rwaregewe, no kuringaniza ingengo

[18] Ibi ni byo abakoraga anketi bise "igisasiro cya kabiri" cy'ibyobo rusange by'itsembabwoko abaganga babizobereyemo batabururagamo imirambo.

y'imari yarwo n'abakozi barwo n'imirimo yagombaga gukorwa. Manda y'umushinjacyaha Richard Goldstone n'iy'umushinjacyaha Louise Arbour zakorewe raporo y'ubugenzuzi zikarishye cyane ku micungire yabo y'urukiko zatumye abo bakozi bakuru ba Loni basezererwa uko bakurikiranye. Abategetsi b'U Rwanda basamiye hejuru ubwo budohoke bw'urukiko mpuzamahanga maze babwamagana bivuye inyuma. Nyamara amakimbirane y'ubutitsa abategetsi b'i Kigali bahoraga benyegeza bishingikirije ikibazo cy'ubushobozi buke nyakuri cg bw'ibinyoma bw'urukiko rwa TPIR yari agamije no gutinza no kwitegura ubushyamirane butashoboraga kubura ku kibazo cy'ibyaha by'intambara n'ibyaha by'ubugome byibasiye inyokomuntu. Ingamba za Kigali zarayihiriye kuko nta n'umwe mu bashinjacyaha babiri ba mbere wigeze atinyuka kwishora muri iyo dosiye.

Gushyiraho Carla Del Ponte, wari uzwiho kuba umunyamategeko kutagamburuzwa no kutavugirwamo n'abanyapolitiki, byateye abantu kwitega impinduka igaragara. Byahuriranye n'uko agitangira manda ye yahise akubitana na dosiye ya Jean–Bosco Barayagwiza[19] Kigali yishingikirijeho mu guca umubano n'urukiko rwa TPIR. Umushinjacyaha mushya yimwe impapuro zimwemerera kwinjira mu Rwanda [20]. Iyo "batisimu y'umuriro" yatumye abategetsi b'U Rwanda bapima ubushobozi bwe mu byerekeye imishyikirano, no kugira ibyo bamwumvisha.Uko Carla Del Ponte yagendaga asimburanya ubutabonda no kudohora, yagaragaye rugikubita nk' utitaye ku byo gufindura "iby'imibereho y'Abanyafurika" yasaga n'aho adaha agaciro, iyo myifatire ikaba itarigeze ihinduka kugeza ku mpera za manda ye.

Yahinduye benshi bari mu myanya ilomeye mu rukiko rwa TPIR, bikurura amatiku akaze ku buryo bwihariye yakoreshaga mu guhitamo abafasha be. Ubwo ni nako kandi yantagije mu biro by'ubushinjacyaha umurimo w'ingezi wo guhuza ku buryo bunoze imikorere y'urukiko na politiki yo gutanga ibirego, kandi agenera urukiko inshingano zikwiranye n'igihe cya manda ye yose. Iyo mikorere yashishe Kigali.

Ubwo urukiko rwa TPIR rwatangazaga mu Kuboza 2000 ko rwari rwatangiye gukora anketi "zidasanzwe" ku basirikari b'Abatutsi bahoze ari inyeshyamba bakekwagaho ibyaha by'intambara n'ibyaha by'ubugome byibasiye inyokomuntu baba barakoze mu mwaka wa 1994, Guverinoma y'U Rwanda yahise irega Carla Del Ponte "guhindura umwanya yarimo uwa politiki".

Hashize umwaka, uwo mushinjacyaha yamenyesheje inama ishinzwe amahoro ku isi iby'icyo kirari[21] kandi atangaza incuro nyinshi, mu Kuboza 2001 no muri Mata 2002, ko yari hafi gutanga inzandiko zo gufata [abo muri FPR bakurikiranyweho ibyaha].Umugundagurano wakurikiyeho wakurikiwe no

[19] Yahoze ari umujyanama mu bya politiki muri minisiteri y'Ububanyi n'amahanga, akaba mu bagize Komite yatangije Radiyo RTLM. Jean-Bosco Barayagwiza yari umwe mu baregwa batatu mu rubanza rw' "itangazamakuru ry'urwango", rumwe mu manza mbonera z'urukiko rwa TPIR. Yarekuwe ku itariki ya 3 Ugushyingo 1999 n'urugereko rw'ubujurire rwa TPIR, hashize ukwezi kumwe gusa umushinjacyaha mushya atangiye imirimo ye.

[20] Umurego wadohotse mu Kuboza 1999. Ariko, mu ruzinduko rwe rwa mbere i Kigali, yasanganijwe imyigaragambyo yamagana urukiko rwa TPIR yakoreshejwe n'amashyirahamwe y'abacitse ku icumu ry' itsembabwoko, babyemerewe na Guverinoma.

[21] "Imwe mu ngeri nshya dutangiye ni iyerekeye ibirego by'ibyaha by'ubugome byakozwe mu mwaka wa 1994 n'ingabo za FPR. Izo anketi zizagira icyo zigeraho ariko Guverinoma y' U Rwanda ibiduteyemo inkunga" (Umuryango w'Abibumbye, inama ishinzwe umutekano, New York, 27 Ugushyingo 2001).

"kubura abatangabuhamya" mu mwaka wa 2002. Bishingikirije agatotsi kari hagati y'urukiko n'amashyirahamwe y'abacikacumu ku byerekeye uburyo amakipi amwe y'abunganizi rimwe na rimwe yabuzaga uburyo abatangabuhamya bashinja, ibyo abategetsi b'i Kigali bakangishaga abatangabuhamya byahindutsemo, mu ntangiro z'umwaka wa 2002, kubafungira impushya zo kugira aho bajya no kubima pasiporo. Mu mezi menshi, imanza zaburanishirizwaga mu rukiko rwa TPIR zarahagaze ku mpamvu zo kubura abagabo baturutse mu Rwanda, iryo bura rikadindiza inyinshi mu manza, rikanagaragaza ukuntu urukiko rwagenerwaga n'abategetsi b'U Rwanda ibyo rwagombaga gukora[22]. Nyuma y'uko jenerali Paul Kagame amenyesheje umushinjacyaha, ku itariki ya 28 Nyakanga 2002, yuko atazihanganira anketi iyo ari yo yose ku gikorwa cy'iterabwoba cyo ku itariki ya 6 Mata 1994 – indi dosiye yarimo amakimbirane akomeye – n'iyo ku bindi byaha by'ubugome by'igipande cyatsinze, anketi zose zarahagaze muri Nzeri 2002[23]. Nyamara ariko ibyo kurebana ay'ingwe ntibyarangiriye aho. Mu Kuboza 2002, amakimbirane yarubuye maze atera impande zombi guterana amagambo atyaye. Itangazo rya Guverinoma y'U Rwanda ryagiraga riti "kugeza kuri uyu munsi, abaturage b'U Rwanda nta cyizere bagifitiye intego za Del Ponte n'ububasha bwe bwo kwimakaza ubutabera". Carla Del Ponte na we yasubije nta mususu ati "ku bwanjye, abahohotewe barareshya. Icyaha cyose kiri mu mbibi z'ububasha bwanjye ni icyaha, ntitaye ku irangamuntu, ku bwoko cg ku bitekerezo bya politiki by'uwagikoze. Ubutabera ntibuturana na mpemuke ndamuke yo muri politiki. Nta muntu n'umwe ukingiwe gukurikiranwa ku byaha by'ubugome birenze uruvugiro[24]." Ayo makimbirane yarenze ibyo kuvugira mu kinyiranyindo ajya ku mugaragaro : mu gihe abategetsi b'U Rwanda bari bakomeje guhakana isano hagati y'ayo makimbirane na za anketi "zidasanzwe", Carla Del Ponte yemereye ubwa mbere mu ruhame, ubwo yabonanaga n'abadepite b'Abongereza, ko imvano y'uko kwanga gufatanya yagombaga gushakishirizwa ku ruhande rw' "anketi ze zidasanzwe".

N'ubwo iyo mpamvu ifite ishingiro, ntihagije mu gusobanura ibyabaye icyo gihe. Uwo mwaka ibiro by'umushinjacyaha byari bimaze kugwiza umurundo w'amakosa akomeye : Mu gihe amadosiye aremereye (cyane cyane ay'imanza rukomatanyo) yari yarabaye intayega, [umushinjacyaha] yagerageje ibyo gushimisha abo muri FPR maze yiha gukurikirana abahoze ari abasirikari bakuru mu ngabo z'U Rwanda [zatsinzwe] ashingiye ku bimenyetso bidafite shinge na rugero, nuko aba yerekanye intege nke zo kutabasha kwizibukira umutunariko uhoraho kandi udahusha intego w'impambiranyi z'i Kigali[25]. Icyakurikiyeho ni

[22] Iyo ntwaro yari indemyacyemezo, kuko mu rusobe rw'amategeko rwo mu murage w'Abongereza, ari rwo rwagizwe imbonera mu rukiko rwa TPIR, ubugenzacyaha bukorwa n'ibiro by'umushinjacyaha, kandi anketi zishingira ahanini ku ikusanya ry'ubuhamya bushinja. Iyo myumvire y'uko ibintu bigaragarizwa mu irundanya ry'ubuhamya "bushinja" aho gushyira ahabona ibyakozwe uhereye kuri gihamya zifatika, ituma bisa nk'aho nta kintu gishobora gukorwa abagabo batabonetse.

[23] Mu gitabo cya Florence Hartman, *Paix et châtiment* [Amahoro n'igihano], Flammarion, Paris, 2007, Carla Del Ponte abara inkuru ye y'uko ibintu byagenze, akanashimangira ubushake bw'Inama ishinzwe umutekeno bwo kubuza inkiko mpanabyaha mpuzamahanga zigenga kurangiza inshingano zazo.

[24] Ikiganiro na "agence Hirondelle", Ukuboza 2002.

[25] Ku byerekeye idosiye ya jenerali Léonidas Rusatira wari umuyobozi w'Ishuri rikuru rya gisirikari kandi azwiho kuba yaramaganye itsembabwoko ku mugaragaro muri Mata 1994, ikirego cyashoboye kwandikwa hakurikijwe

uko Abanyarwanda b'ingeri zose bahurije ku kuzinukwa iyo mikorere y'ubushinjacyaha bityo akurwaho amaboko ndetse n'Abanyarwanda b'imbere mu gihugu barangwa n'amatwara ya demokarasi – abari muri Guverinoma, mu nteko ishinga amategeko, muri etamajoro y'ingabo – bari bagikomeye ku mibereho n'ubwigenge by'urukiko rwa TPIR. Ubushinjacyaha rero ubwabwo ni bwo bwahaye icyuho intagondwa cyane cyane abasirikari ba FPR bari barabaye rwamwa mu bikorwa byo kwihorera ku Bahutu mu gice cya kabiri cy'umwaka wa 1994. Ubutagondwa mu kurwanya urukiko rwa TPIR no kubirizamo icyiswe "anketi zidasanzwe" byihariye urubuga bitagombeye ko leta ibyivangamo ku mugaragaro.

N'ubwo amaherezo U Rwanda rwahatiwe n'Inama ishinzwe amahoro ku isi kubahiriza inshingano z'amategeko rwashyizeho umukono no kureka guhagarika imanza, ntirwigeze ruhanwa cg se ngo rwihanangirizwe. Itangazo ry'Inama ishinzwe amahoro ku isi ryo ku itariki ya 18 Ukuboza 2002 ryatsindagiraga gusa ko

> "Ibiganiro byubaka bigomba kuba hagati y'Inkiko na Guverinoma zibishinzwe kugira ngo haboneke uburyo bwo gukemura ikibazo cyose gishobora kubangamira imirimo y'Inkiko cyavuka mu bufatanye bwazo, ariko itsindagiye yuko ibyo biganiro byabaho cg bitabaho bitagomba kubera ibihugu urwitwazo rwo kutarangiza inshingano zabyo zo gufatanya n'Inkiko ku buryo bwuzuye, hakurikijwe ibyemezo by'Inama ishinzwe amahoro ku isi n'amategekoremezo y'Inkiko."

Muri Mata 2003, nyuma y'amanama ubushinjacyaha bwakoreye Arusha, habanje gutoranywa ahantu cumi na hatanu FPR yakoreye ubwicanyi, maze hane muriho hari hafitiwe ibimenyetso bigaragara byemezwa ko ari ho hazashingirwaho mu gukora inzandiko z'ibirego[26]. Ibyo ariko si ko byagenze : Mu Rwanda bifashishije ambasaderi w'Amerika ushinzwe ibyaha by'intambara, Pierre-Richard Prosper bavuga ko ubwabo bashoboye gusuzuma no guca imanza z'ibyaha by'ubugome byaba byarakozwe n'abasirikari ba FPR, nuko banga ubugenzacyaha ubwo ari bwo bwose bwa TPIR. Umushinjacyaha yabonye ko mu by'ukuri ahatiwe gusubikira ku munsi utazwi "anketi ze zidasanzwe" n'ubugenzacyaha ku byaha by'ubugome bya FPR.

Icyaruhanyije kurushaho mu guteganya ibyari bisigaye gukorwa ni uko muri iryo shyamirana ryose byagaragaye neza ko abenshi mu bakozi b'urukiko bangaga ko hagira ikibuza imirimo yarwo gukomeza, kimwe n'imyanya y'akazi amagana n'amagana rwari rwarashyiriyeho intego zarwo.

N'ubwo Carla Del Ponte yagerageje, ariko atinze, gushakisha uburyo bagira icyo bumvikanaho, urwango U Rwanda rwari rufitiye uwo mushinjacyaha ntirwigeze rucogora, ku buryo muri Kanama 2003, Umunyamabanga mukuru wa Loni, ashyigikiwe na leta Zunze Ubumwe z'Amerika n'Ubwongereza, yasabye ko

imbata y'ubuhamya yateguwe uko yakabaye n'abiyitaga "abafasha bo mu butabera", nuko ibiro by'umushinjacyaha biterura ibyarimo hafi ya byose. Nyuma yo kwisobanura imbere ya minisiteri y'Ubutabera y'Ububiligi i Bruxelles ku itariki ya 25 Nyakanga 2002, aho uregwa yari ategerereje muri gereza ya "Saint-Gilles" kuzajyanwa Arusha, Carla Del Ponte yaje kwemera ko nta gihamya zihagije yari afite zo kumwemeza icyaha. Yarekuwe ku itariki ya 18 Kanama 2002.

[26] Ahantu habiri haguye abantu benshi ni muri perefegitura Byumba – sitade ya perefegitura na komini Giti – (Mata 1994), aha gatatu ni i Gakurazo ahiciwe abasenyeri muri perefegitura ya Gitarama (Kamena), aha nyuma ni mu mujyi wa Butare, mu ishyamba rya "arboretum" (Nyakanga).

hashyirwaho abashinjacyaha babiri, umwe wa TPIR undi wa TPIY "kubera impamvu zo gukora neza imirimo". Kubera ko nta mahitamo yandi yari afite uretse ayo kugumana ubuyobozi bw'Urukiko mpanabyaha mpuzamahanga rwa Yugosilaviya aho kuba ubw'urukiko rwa TPIR, uwo mushinjacyaha yahanutse ku ntera ye kubera uguhora ahinduranya kwe. Kubera ko atavuguruje ibihuha byavugaga ko icyemezo cyo gushyiraho umushinjacyaha wihariye cyaba cyaratewe ahanini no gushaka guhagarika anketi zidasanzwe, Carla Del Ponte kimwe n'abategetsi b'U Rwanda batumye abantu bemera igitekerezo cy'uko umushinjacyaha mushya, Hassan Bubacar Jallow, atateganyaga kuzishora mo, n'ubwo inama ishinzwe amahoro ku isi yari yongeye kwemeza icyo gice cya manda ye. Guhera mu Gushyingo 2003, ambasaderi w'Amerika ushinzwe ibyaha by'intambara, Pierre – Richard Prosper, yasabye urukiko rwa TPIR na Guverinoma y'U Rwanda gusubukura impaka ku byo batumvikanagaho no kumvikana ku ruhande (TPIR cg Guverinoma y'U Rwanda) rwagombaga gukora izo anketi. N'ubwo Leta Zunze Ubumwe z'Amerika zari ziyemeje kubafasha kubonera umwanzuro icyo kibazo, ibyo bigaha icyizere abategetsi b'i Kigali, umushinjacyaha n'abo bategetsi birinze gukomoza kuri iyo ngingo mu mubonano wabo wa mbere wakurikiyeho. Nuko, ku itariki ya 23 Mutarama 2004, umushinjacyaha, mu kiganiro yagiranye n'abanyamakuru Arusha, yongeye kwemeza ku mugaragaro ko urukiko mpuzamahanga rwari rufite ububasha bwo gusuzuma ibyaha by'ubugome byaba byarakozwe mu mwaka wa 1994 n'ingabo zahoze ari inyeshyamba, hanyuma ku itariki ya 29 Kamena 2004 agaragariza inama ishinzwe amahoro ku isi asubiza amaso inyuma ibyo "kutagira politiki" byakomeje kumuranga kuri icyo kibazo :

> "Ku byerekeye ibyo abanyamuryango ba FPR baba baregwa, Ibiro byanjye birimo gusuzuma muri iki gihe gihamya zakusanyijwe kugeza ubu, kugira ngo birebe niba harimo ingingo zihagije zatuma bakurikiranwa, bigene abagomba gukurikiranwa n'ibyaha by'ubugome bashinjwa. Natangiye kandi ibiganiro na Guverinoma y'U Rwanda kuri icyo kibazo, cyane cyane ku buryo bunyuranye bwo kurangiza amadosiye yaboneka nyuma y'iryo suzuma[27]."

Nyamara ariko, anyuranyije n'ibyo yari yabwiye inama ishinzwe amahoro ku isi y'Umuryango w'Abibumbye ku itariki ya 23 Ugushyingo 2004 ubwo yatangazaga ko azasuzuma gusa ibimenyetso byakusanyijwe kugeza icyo gihe, Hassan Bubacar Jallow yasabye, ku itariki ya 2 Ukuboza, ko hakorwa anketi zigenga, nuko amenyesha ibi bikurikira inama ishinzwe amahoro ku isi ku itariki ya 13 Kamena 2005 : "Umurimo urakomeje ku byerekeranye n'ibyo birego."
Amaze kwakira icyegeranyo cy'umwimerere kandi gifite ibimenyetso bihamye[28], yafashe icyemezo cyo guhitamo amadosiye yazagumana burundu kugira ngo akore inzandiko z'ibirego. Nyuma y'inama zabereye Arusha mu cyumweru cy'iya 31 Ukwakira 2005, parike yarinyonyombeye ku itariki ya 7 Ugushyingo 2005, yishingikirije icyifuzo cya ambasaderi w'Amerika ushinzwe ibyaha by'intambara

[27] CONSEIL DE SÉCURITÉ DES NATIONS UNIES, *Compte rendu de séance* [INAMA ISHINZWE UMUTEKANO Y'UMURYANGO W'ABIBUMBYE, *Raporo y'inama*, New York, 29 Kamena 2004, p. 19.
[28] Gihamya y'ingenzi y'iyo dosiye yari igizwe n'ibyagezweho na anketi zakozwe cyane cyane na liyetona Abdul Joshua Ruzibiza n'abandi basirikari bakuru ba FPR (*reba umugereka 127*).

n'ibyaha by'ubugome byibasiye inyokomuntu, cy'uko gutangiza iyo mirimo byasubikwa. Bityo, ikibazo cyo guhitamo "uburyo" kirongera gisubizwa Guverinoma y'U Rwanda [29].

Ku buryo bw'imbangikane, umushinjacyaha Jallow yakomeje gushinga iyo dosiye agakipe k'inkorabusa kadafite n'ibikoresho mu by'ukuri ari urwiyerurutso rwo kugira ngo ajye abona icyo asubiza abamubaza, ababwire ko agisuzuma kandi akigenzura neza ibirego mbere y'uko afata icyemezo cyo kugira uwo yakurikirana. Haba mu mwaka wa 2006 no muri 2007, yakomeje gusubiriramo amagambo amwe inama ishinzwe amahoro ku isi : anketi ziracyakomeje, zabaye ndende kurusha uko byari biteganyijwe, muzamenyeshwa amakuru umwaka utaha[30]… Ndetse ubwo yari yaraye atanze ikiganiro cye cyo muri Kamena 2007 yabonanye n'intiti zo muri kaminuza, ari nko kwerekana ubushake bwe budakuka bwo kurangiza uwo murimo.

Ibintu byagumye aho nuko amaherezo umwanzuro w'iyo dosiye ndende kandi igomba ubushishozi ugerwaho muri Werurwe 2008 : umushinjacyaha w'urukiko rwa TPIR yagejeje kuri perezida Kagame amadosiye abiri yavuye muri anketi zarwo yashoboraga kuburanishirizwa mu Rwanda cg se Arusha, biramutse bidashobotse. Iya mbere yari yerekeye itsemba ry'abantu cumi na bane i Kabgayi, hafi y'i Gitarama, ku itariki ya 5 Kamena 1994. Musenyeri wa Kabgayi, Thadée Nsengiyumva, arikiyepisikopi wa Kigali, Vincent Nsengiyumva, musenyeri wa Byumba, Joseph Ruzindana, bahiciwe n'abasirikari ba FPR, bari kumwe n'abapadiri icyenda, n'umukuru w'abafurere b'Abayozefiti n'umwana umwe. Idosiye ya kabiri yari yerekeye itsembatsemba ryabereye kuri sitade y'i Byumba ku itariki ya 23 Mata 1994 rigahitana Abahutu bari hagati y'igihumbi n'ibihumbi bibiri bari bahakoranyirijwe n'abasirikari ba FPR. Abantu barenga ibihumbi bitanu b'abasivili biciwe i Byumba mu kwezi kwa Mata 1994 hagati ya Kiliziya episikopari, sitade, ikigo cya gisirikari, Ishuri mbonezamubano rya "Bon Conseil", ibinombe n'ibigo by'amashuri bya Kibari na Buhambe.

Perezida Kagame yagombaga gutanga igisubizo bitarenze mu mpera z'ukwezi kwa Gicurasi, kugira ngo umushinjacyaha na perezida w'Urukiko babone uko bamenyesha inama ishinzwe amahoro ku isi uko iyo dosiye yakurikiranywe.

Urukiko rwa TPIR rwavugaga ko U Rwanda rwiteguye gukurikirana bidatinze urubanza rw'abishe abasenyeri no kuruha umwanya w'ibanze, ibyo bikaba gihamya y'ubushake bwo gukurikirana ibyaha by'ubugome byose mbere y'uko urukiko rusaba kongererwa manda rugakomeza imirimo yarwo mu mwaka wa 2009. Ibyo ari byo byose, ikurikiranwa ryari ngombwa kubera ukuntu ubwo

[29] "Byongeye kandi, ibyaha by'ubugome FPR yarezwe na byo twabyitayeho. […] Navuganye kandi n'abahagarariye Guverinoma y' U Rwanda ku buryo buriho bwo gukurikirana amadosiye yaturuka muri izo anketi nshya", SECURITY COUNCIL, UNITED NATIONS, *Compte rendu de séance* [INAMA ISHINZWE UMUTEKANO Y'UMURYANGO W'ABIBUMBYE, *Raporo y'inama],* New York, 15 Ukuboza 2005, p. 15.

[30] "Nabwiye inama ishinzwe umutekano muri raporo zanjye zabanjirije iyi ko Ibiro byanjye byasanze ari ngombwa gukora izindi anketi bimaze gusuzuma imfatiro zerekeye ibyaha by'ubugome byirengagije uburenganzira bw'ikiremwamuntu abantu bavuga ko byaba byarakozwe na FPR. Niteze ko izo anketi zizarangira mu mwaka wa 2007 maze ibyo bigatuma dushobora gufata icyemezo ku buryo twazabikurikirana" (Hassan Bubacar Jallow mu Nama ishinzwe umutekano yo ku itariki ya 15 Ukuboza 2006) ; "Kuva kuri raporo yanjye ya nyuma nashyikirije inama ishinzwe umutekano, Ibiro byanjye yateye intambwe igaragara muri anketi kubicumuro biregwa abanyamuryango bamwe ba FPR. Turizera ko tuzashobora gusoza iyo dosiye mu ntangiro z'umwaka utaha" (Hassan Bubacar JALLOW mu Nama ishinzwe umutekano yo ku itariki ya 10 Ukuboza 2007).

bwicanyi bugenderewe bwari bwamenyekanye mu mahanga yose, kandi hakaba hariho imfatiro nyinshi zisobanura uko ubwo bwicanyi bwagenze. Ikindi kandi, nyuma y'intambara, abategetsi b'i Kigali bemeraga ko ubwo bwicanyi bwabayeho, bakabufata nk'igikorwa kibabaje, ariko cyumvikana kuko cyakozwe n'abasirikari basanzwe. Na dosiye y'itsembatsemba ry'i Byumba na yo yari intangarugero, ariko yashoboraga gukururira FPR ingorane nyinshi, kuko yari kuba ishoje, ihereye kuri perefegitura yashegeshwe cyane, impaka ku byaha by'ubugome byibasiye imbaga y'abasivili b'Abahutu byagiye biranga FPR mu ri perefegitura yabaga yigaruriye. Ikindi kandi, byari biyikomereye kongera kwitabaza amayeri yo kuvuga ko ari ibikorwa by' "abasirikari basanzwe" nk'uko byagenze muri dosiye y'abasenyeri, kubera ko byari inkuru ya kimomo ko umuyobozi wayo mukuru, Paul Kagame, yari ahibereye ubwe. Kubera ko urukiko rwa TPIR rwari rufite umugabo umwe gusa muri dosiye y'i Byumba, rwabwiye abategetsi b'U Rwanda ngo biburanishirize urwo rubanza niba parike yabo yari ishoboye ubwayo kubona abagabo. Byaba bidashobotse, iyo dosiye igahanagurwa. Ashingiye kuri ibyongibyo, umushinjacyaha wa TPIR yamenyesheje inama ishinzwe amahoro ku isi, ku itariki ya 4 Kamena 2008, ko parike nkuru y'U Rwanda yamugejejeho "icyemezo yafashe cyo kurega no gukurikirana vuba, ku byaha by'ubugome by'ubwicanyi n'ubufatanyacyaha mu bwicanyi, abasirikari bakuru bane b'Abanyarwanda [31]" bakekwagaho kuba baragize uruhare mu bwicanyi bwabereye i Kabgayi mu mwaka wa 1994 bugahitana abihayimana 13 babarirwamo abasenyeri batatu. Mu izina ry'ubwo bufatanye butari bwarigeze bubaho, umushinjacyaha yatangaje yuko, urwo rubanza ruramutse rugenze neza, rwahagarika ibikorwa bye byose byerekeye "ibyo byaha by'ubugome" bya FPR :

> "Nk'uko abagize inama babizi, U Rwanda n'urukiko rwa TPIR bisangiye ububasha bwo kuburanisha imanza z'ibyo byaha by'ubugome. Ni yo mpamvu nafashe icyemezo, ku binyerekeye, cyo guhagarika ibikorwa byose, byumvikanye neza ariko ko ikurikiranwa rikorerwa mu Rwanda kandi rigakorwa n'icyo gihugu ryakagombye gushyika ku ntego, gukorwa vuba, kuba intabera kandi bigatangarizwa rubanda. Ibiro byanjye kandi bizagenzura iyo mikorere. Birumvikana ko ikurikiranwa rikorerwa mu Rwanda ritazabangamira ububasha bw'ibanze urukiko rwa TPIR rufite kuri ibyo byaha by'ubugome. Ndizera ko U Rwanda ruzakora ikurikiranwa ku buryo buzatanga umusanzu ugaragara mu bwiyunge bw'icyo gihugu[32]."

Idosiye yateguwe n'ubushinjacyaha bwa Arusha bufatanije n'urukiko rwa gisirikari rw'i Kigali yavugaga ko "byari impanuka", "ibyemezo by'abasirikari ku giti cyabo batari bahawe amabwiriza[33], kandi umwana wishwe ntiyari yashyizwemo. Ikindi kandi, nta mutangabuhamya n'umwe wari uhari wo kunenga imikorere y'urukiko rwa TPIR cg ngo avuguruze iyo nkuru na raporo zicagase zari zatanzwe. Niba ari uko ibintu byari bimeze, urubanza rwagenze uko byari byateganyijwe : abasirikari bakuru babiri bari barafashwe ku itariki ya 11

[31] Mu by'ukuri bari abasirikari bakuru bo mu rwego rwo hejuru n'abakapiteni babiri. Amadosiye yabo yaratandukanyijwe.

[32] Hassan Bubacar Jallow mu Nama ishinzwe umutekano yo ku itariki ya 4 Kamena 2008.

[33] Nyamara ariko biraruhije kumva ko abasirikari bakuru bo mu ngabo za FPR zafata icyemezo cyo kwica abanyacyubahiro bakomeye gutyo batabanje kubigeza ku babakuriye.

Kamena bagizwe abere, bafungurwa ku itariki ya 24 Ukwakira 2008, kuko nk'uko biboneka mu icibwa ry'urubanza, ntibari bafite amakuru yashoboraga gutuma babuza icyo cyaha cy'ubugome gukorwa. Naho abakapiteni babiri bari bemeye icyaha, bakatiwe imyaka umunani y'igifungo kubera ko bakoze "bagendeye ku maragamutima". Kimaze gusubirwamo n'urwego rw'ubujurire muri Mutarama 2009, icyemezo cy'Urukiko rw'ikirenga rwa gisirikari rw'i Kigali cyatangajwe ku itariki ya 25 Gashyantare, nyuma y'uko za rusanze n'ingingo z'urubanza zemezwa n'umushinjacyaha w'urukiko rwa TPIR (*reba umugereka 98*). Guhanagura icyaha ku bajenerali byaremejwe, n'ibihano by'abakapiteni babiri biragabanywa biva ku myaka umunani bigera ku myaka itanu (*reba umugereka 128*).

Urwo rubanza rwavuyemo inyigisho ebyiri z'ingenzi. Iya mbere ni uko nta mugabo ushinja n'umwe wabajijwe, kandi nyamara umushinjacyaha w'urukiko rwa TPIR yari yaramenyeshejwe ko hari abagabo bari biteguye gutanga ubuhamya (harimo uwo mu muryango w'umwe mu bishwe wari watandukanyijwe na we mu gihe abasirikari bajonjoraga abo bica)[34]. Iya kabiri ni igisobanuro gitangaje abategetsi bahaye icyifuzo cy'umushinjacyaha Jallow cy'uko kuburanishiriza urwo rubanza i Kigali byari "kugira uruhare mu bwiyunge bw'igihugu".

Nyamara urwo rubanza rwabaye urwitwazo rwa poropagande yo kwamagana ubuyobozi bwa Kiliziya gatorika no kwinjiza mu bantu igitekerezo cy'uko ubwicanyi bwakorewe abasenyeri "bwaturutse ku kubaryoza bitaziguye imyitwarire yabo mburabuntu yuzuye itsembabwoko", bityo mu gihe cy'urubanza bakavugwa nk'aho ari bo bigishaga itsembabwoko mu karere : "Abasenyeri bari bafite ububasha ku bayobozi bo mu nzego z'ubutegetsi, ku basirikari, ku *nterahamwe* : iyo bajya kuvuga ijambo rimwe, baba barakijije abantu bose. Ariko na bo ubwabo bari mu bicanyi[35]." Nyamara Musenyeri Thadée Nsengiyumva, wari perezida w'Inama y'abasenyeri, yari mu bashishikariye gushyiraho itsinda ry'amadini ryo gutsura ibiganiro, itsinda ryaranzwe n'ubutwari igihe ryigerezagaho rigirana imishyikirano ya mbere na FPR intambara igitangira, mbere y'uko rigira uruhare rukomeye cyane mu guteza imbere amahoro no kugurura amarembo agana kuri FPR mu myaka yose intambara yamaze. Na none kandi, urukiko rwa TPIR n'abategetsi b'U Rwanda, nubwo batigeze babyasasa bwose, bumvikanye ko urubanza rwa kabiri

[34] Iyi ngingo irakomeye cyane kuko abatangabuhamya b'inzobere babiri bakoreraga ibiro by'umushinjacyaha bari bamenyesheje umushinjacyaha ubwe ko amazina y'abagabo babiri biboneye ubwabo ubwicanyi bw'i Kabgayi yari kumugezwaho igihe hari kuba habonetse uburyo bunoze bwatuma batanga ubuhamya mu mutekano, ariko ntiyigeze abasubiza. Ku itariki ya 11 Nyakanga 2009, umushinjacyaha yavugiye i Jeneve ko atigeze yoherereza gihamya urukiko rwa gisirikari rw'i Kigali, kandi ko dosiye yakurikiranywe n'ubucamanza bw' U Rwanda gusa : "Nta gihamya n'imwe ikomoka mu Biro by'umushinjacyaha twigeze duha U Rwanda. Gihamya yakoresheje ni bo bazishakiye, ariko zihuye n'izo dufite kandi n'icyemezo twafashe" (conférence "Arusha, modèle ou contre-modèle pour la justice internationale. Le point de vue des acteurs", Université Paris-I/IHEID/TPIR, inyandiko y'ijambo rya H. B. Jallow, inama ya 5, p. 13). Nyamara raporo y'Inama ishinzwe umutekano yo ku itariki ya 4 Kamena 2009 yari yamenyeshejwe yuko "Urukiko rwoherereje inkiko z'U Rwanda, muri Kamena 2008, amakuru ya za anketi zayo zimwe zerekeye FPR, kandi abayobozi bane ba FPR barimo kuburanishwa" (Inama ishinzwe umutekano, 4 Kamena 2009, New York, p. 29). Biraboneka rero ko habayeho ibyo guhererekanya amakuru, kandi n'ingingo za gihamya, uretse kwibeshya, zikaba zarashoboye koherezwa inkiko z'U Rwanda, ariko nyuma zigakoreshwa ku buryo zitemerewe n'abacamanza ba TPIR.

[35] Ijambo mbanzirizamvugo ry'abunganizi mu ibazwa ry'abagabo ryo ku itariki ya 10 Nzeri 2008.

rwoherezwa muri parike nkuru ya Kigali naho urw'i Byumba ruburizwamo burundu byitwa ko ngo nta batangabuhamya babonetse.

Uwo mwanzuro nta kuntu wabura gutungurana, kuko muri raporo yakozwe mu mwaka wa 2002 bisabwe na Carla Del Ponte ku byaha by'ubugome by'intambara n'ibyaha by'ubugome byibasiye inyokomuntu byakozwe na FPR, hari harimo abagabo 11bashoboraga gutanga ubuhamya ku bwicanyi kirimbuzi bwabereye i Byumba muri rusange, 6 muri bo – aho kuba 1 – bakaba bari bazi ibyabereye kuri sitade. Nta n'umuntu kandi wigeze amenyeshwa ko hariho ubushakashatsi bugamije gutahura cg gushishikaza abatangabuhamya babonye ibyabaye. Ubwo bushakashatsi bwari bwarashinzwe parike y'U Rwanda. Umuntu asubije amaso inyuma, agashingira gusa ku makuruy'imvaho, biraboneka ko "kutagira politiki" by'umushinjacyaha Jallow birangwa no kudakora anketi nshya no kwirengagiza anketi zakozwe n'umushinjacyaha Carla Del Ponte, byari bigamije kwiha igihe gihagije kugira ngo urukiko rubone uko rutegurana n'abategetsi b'i Kigali ikinamico z'imanza mu gihe cyo kurangiza manda yarwo. Intangamugabo y'ibyo ni uko nta hantu na hamwe hagaragara mu igenamari ryo mu mwaka wa 2008 n'uwa 2009 ko haba hari amafaranga yigeze asohoka yo gukoresha iyo mirimo, mbese nk'aho imigendekere n'imyanzuro y'izo manza zombi z'akarorero yari izwi mbere y'igihe.

Nguko rero, nk'uko umuryango uharanira uburenganzira bw'ikiremwamuntu witwa Human Rights Watch wabitsindagiye cyane mu itangazo ryawo ryo ku munsi wabanjirije iterana ry'Inama ishinzwe amahoro ku isi ryo ku itariki ya 4 Kamena 2006 – umunsi hagombaga guhagarikwa ko kwemeza icyo gice cy'ingamba zo kurangiza imirimo y'urukiko – uko ikibazo cyo gukurikirana amadosiye no kuburanisha abanyamuryango ba FPR ku byaha by'ubugome bakoze mu mwaka wa 1994 kikiri cyose kandi nta n'umwanzuro cyabonye (*reba umugereka 129*). Hari impamvu eshatu z'ingenzi zisobanura iby'ubwo buhonnyo bwa buriho. Iya mbere yerekeye urwego rw'"abababohozi" b'U Rwanda abategetsi bashya bihaye, bikaba byaba ari ukubakoza isoni "gushyira mu gatebo kamwe umujenosideri n'abo yahekuye[36]". Koko kandi, amategeko yose yashyizweho n'abategetsi bashya b'igihugu yo kuburanisha imanza z'ibyaha by'ubugome byakozwe kuva intambara igitangira mu Kwakira 1990 (ubucamanza busanzwe, ubucamanza "gakondo" n'ubucamanza bwa gisirikari), mu by'ukuri agena ubudahanwa bwuzuye haba ku byaha by'ubugome by'intambara n'ibyaha by'ubugome byibasiye inyokomuntu byakozwe n'ingabo za FPR, haba no ku byaha by'ubugome by'ubwicanyi, urugomo n'isahura – byiswe ngo "ibyaha by'ubugome byo kwihorera" – bigerekwa ku Batutsi b'abasivili bari basanzwe mu gihugu n'abatahutse [*returnees* : mu cyongereza mu mwandiko w'umwimerere] [37].

Ubwo budahanwa muri kino gihe bwahawe intebe n'uko ibyaha by'ubugome, amakosa n'ibyaha hafi ya byose by'Abatutsi, uretse ibyerekeye itsembabwoko, bireka gukurikiranwa iyo hashize imyaka cumi bikozwe.

[36] Servilien Sebasoni, "À propos d'Une justice intimidée [Ibyerekeye "Ubucamanza bukorera ku cyoba]" (*Libération*, 23 Gicurasi 2006)", Itangazo ry'umuvugizi wa FPR, Kigali, Kamena 2006.

[37] Amadosiye mbarwa y'abasirikari ba FPR baciriwe imanza yohererejwe urukiko rwa TPIR (ari ukurumenyesha), yerekeye abasirikari bato cyane, na bo bahaniwe imyitwarire yabo yateraga akajagari mu mitwe bari bari mo.

Impamvu ya kabiri, isa n'aho ari ikintu cyo mu rwego rusanzwe, ku buryo budashidikanya ni yo ikaze cyane kubera ingaruka zayo. Ishingiye ku miterere itayega n'amategeko adashogosha y'imikorere ya FPR. Koko rero, ku buryo butandukanye n'inzego za leta y'U Rwanda, haba mbere cg mu gihe cy'intambara yo mu mwaka wa 1994, byari biruhije kumenya neza abafata ibyemezo abo ari bo no gusobanukirwa neza uruhererekane rw'ubutegetsi. Kubera ibyo rero, kuba ubutegetsi bwose bwo mu nyeshyamba bwari mu maboko y'abantu bake bituma gukora anketi ku idosiye iyo ari yo yose n'iyo yaba yoroshye bidashoboka, utagombye kugera mu nzego zo ku isonga zifatirwamo ibyemezo. Ntibishoboka rero kumenya ikiri hirya y'urubanza rumwe rwa nyirarureshwa rwakatiye ibihano abaregwa b'udukingirizo. Nyamara n'ubwo bahoraga ku ntonganya z'uko urukiko rukora nabi n'uko abajenosideri bakingirwa ikibaba n'ibihugu by'ibihangange[38], bagahora no ku nkeke y'uburakari bw'abategetsi b'i Kigali, abashinjacyaha bose bagiye basabwa, ku buryo budahuga, n'Inama ishinzwe amahoro ku isi ko muri iyo dosiye bajya babanza kubona inkunga y'abategetsi b'U Rwanda, bakomeje kubaha ibisubizo byo kubatesha igihe cg se bakabahakanira burundu.

Iyo yabaga ataciwe intege cg ngo yamaganwe ku buryo bwatuye[39], nta na rimwe umushinjacyaha yigeze abona inkunga y'Umunyamabanga mukuru w'Umuryango w'Abibumbye n'iy'Inama ishinzwe amahoro ku isi, kugira ngo ashyire mu ngiro icyo gice cya manda mpuzamahanga cyari cyahawe Urukiko[40]. Impamvu ya gatatu, yamamaye cyane mu itangazamakuru kandi n'uburemere bwayo mu by'imibanire y'ibihugu bukaba burenze kure ubwo mu rwego rw'ubutabera kubera ababifitemo uruhare bashobora gutungwa agatoki, yerekeye igikorwa cy'iterabwoba cyibasiye indege ya perezida ku itariki ya 6 Mata. N'ubwo umushinjacyaha wa mbere, Richard Goldstone, nyuma y'aho aviriye kuri uwo mwanya yateye hejuru agatangaza ku mugaragaro ko icyo gikorwa cy'iterabwoba cyari muri manda y'urukiko[41], Louise Arbour yahakanye ko atigeze anatangiza anketi kuri iyo dosiye, mu gihe abagenzacyaha be bari bamushyikirije ibimenyetso simusiga bigaragaza ko icyo gikorwa cy'iterabwoba gihama FPR. Ku ruhande rwe, Carla Del Ponte yajijinganyije igihe kirekire mbere y'uko yemera ko hari isano hagati y'igikorwa cy'iterabwoba n'itangira ry'itsembatsemba, ariko nyuma aza kuvuga ko urukiko rudafite ibimenyetso

[38] Bityo, umuvugizi wa FPR yibajije niba "urukiko rwa TPIR rutararemewe nyine kugira ngo rudakora", (Servilien Sebasoni, "À propos d'Une justice intimidée" (*Libération*, 23 Gicurasi 2006).

[39] Ku buryo bw'ihame, ibihugu byinshi byo mu Nama ishinzwe umutekano ntibyemeraga ko abakiri ku butegetsi bakurikiranwa.

[40] Kubera kugongana n'intwaro y'amalisiti y' "abajenosideri" baba mu mahanga, ibihugu byose byashoboraga kwakira abaregwa batarafatwa cg se abakatiwe byagize ingorane zimeze zityo. Ibihugu bitatu (Ubusuwisi, Ububiligi na Kanada) baburanishije imanza z'abaregw'itsembabwoko kandi bazamamaza cyane mu itangazamakuru, ariko kugeza uyu munsi nta rukiko rw'igihugu runaka, uretse Ubufaransa na Hisipaniya, rwigeze rwemera gusuzuma ibirego byerekeye ibyaha by'ubugome byakozwe n'inyeshyamba n'abazishyigikiye. Ku ruhande rumwe, bavuga ko ubumenyi bafite kuri ibyo bicumuro budahagije ; ku rundi, bakavuga ko amategeko ariho ataboneye ; ahandi na none, kugira ngo abatanga ikirego bakirwe bagomba kubanza gusabwa kuzirikana amakuba azagwira benewabo cg abagabo bazatanga, ari ukugira ngo bareke ibyo gutanga ikirego, nb.

[41] "Ibyo ntabwo mbyumva. Biragaragara ko bifitanye isano n'itsembabwoko." "Ibyo ari byo byose, ni byo byabaye imbarutso y'itsembabwoko kandi biba byaragiriye akamaro kanini cyane ubucamanza n'abakorewe ibyaha iyo ibyo bintu bishyirwa ahagaragara" (Ikiganiro Richard Goldstone yagiranye n'ikinyamakuru *Berlingske Tidende*, Copenhague, 12 Ukuboza 2006).

simusiga, kuko perezida Kagame yari yamwemeje ko “ari umwere”. Amaherezo yararetse ubucamanza bw’Ubufaransa aba ari bwo bushyira ahagaragara iyo dosiye, nyamara kandi yanga gutanga gihamya, n’ubwo yabihakanye, umucamanza wari ukurikiranye iyo dosiye (Jean – Louis Bruguière) yamusabaga. Naho umushinjacyaha Jallow, yahise yemeza rugikubita ko igikorwa cy’iterabwoba kitari muri manda y’urukiko rwa TPIR, ndetse na nyuma y’aho anketi y’Abafaransa irangiriye mu Kwakira 2006 n’umucamanza Bruguière agatanga inzandiko zo guta muri yombi abasirikari bakuru ba FPR bakekwa, ibiro by’umushinjacyaha byakomeje kwemeza ko abashobora gukekwaho kuba barakoze icyo gikorwa cy’iterabwoba ari uruhuri barimo “Abahutu b’intagondwa”. Nyamara Ibyo biro byari bitezweho kugira uruhare rugaragara no gutanga inkunga muri iyo anketi (*reba umugereka 130*).

### ***Ubutabera, intwaro yo kuniga ukuri ?***

Ibyo bintu byose byazinzitswe nkana cg se bigasigwa mu tugereka mu rukiko mpuzamahanga, n’ingamba zatoranyijwe byerekanaga byagize ingaruka zikomeye ku mirimo yarwo mu rwego rw’imikorerwe ya za anketi no mu rw’imiyoborere y’imanza. Bamwe bavugaga ko ari cyo kiguzi cyo kurangiza akazi neza : byose babihinduyemo inkuru yoroshye cyane y’abeza n’abagira nabi. Ku ruhande rumwe, hari ababohozi barwaniraga uburenganzira bwabo bwo kugaruka mu gihugu, gusubirana inariyo yabo n’imitungo bari baranyazwe, ku rundi ruhande, hari itsembabwoko ryateguwe n’intore zigendera ku gitugu no ku irondakoko kuva Repubulika yashingwa, kandi zari ku isonga z’abaturage bariye karungu. Urebye ingano y’ubwicanyi n’uburyo bwakozwemo buhereye ruhande, ingingo z’urubanza zarumvikanaga ku banyamahanga bari bashinzwe gutangiza urwo rukiko, ingingo zashoboraga gukoreshwa mu madosiye yose, hakagenda hahindukamo utuntu tudafatika gusa, hakurikijwe uko abacikacumu bo gutanga ubuhamya babonekaga. Mu gihe cyo gucira imanza abakurikizaga amabwiriza gusa n’abagize uruhare mu itsembatsemba ubwabo, ikirari cyo kubakurikirana cyabayemo ingorane nkeya cyane. Ariko ibintu byabaye ibindi mu gihe cyo gushinga ibikwa bifasha kubaka ihame ry’ubwumvikane, umushinjacyaha ashaka guhuriza mu kibariro kimwe n’amateka amwe amadosiye y’abasirikari, y’abanyapolitiki, y’abayobozi b’itangazamakuru n’abagenantekerezo. Kutamenya cg se kwirengagiza urusobe rw’intego z’imitunganyirize y’urukubo rwa politiki n’ubwiganze bw’ubushyamirane bw’uturere, byatumye imigambi y’umushinjacyaha yose ita agaciro, mu gihe yari yibasiye abo yitaga “abacurabwenge”, kandi na bo ubwabo bari bashoboye kugaragaza neza, babifashijwemo n’abunganizi babo, ko ibirego bye byari bidafashe. Koko rero, icyo iryo tsembabwoko ryihariye cya mbere, ni uko Abahutu b’intagondwa banga Abatutsi bagenzuraga uturere twihariwe n'Abahutu hafi gusa kandi ubwicanyi bugasa n'ubutarahageze, mu gihe benshi mu Batutsi bahigwaga bari batuye muri perefegitura izo ntagondwa zari nyamuke ndetse zidafite ijambo. Bityo gushyira mu bikorwa itsembabwoko ryateguwe n’abayobozi bo mu majyaruguru byahamye abo mu majyepfo bari bamaze imyaka makumbyabiri bamagana ubwikanyize bw’abo mu majyaruguru !

Mu gihe cy'itangiza ry'imanza z'abayobozi b'abanyapolitiki n'aba gisirikari, bafatwaga nk'aho ari bo "bateguye" itsembabwoko, niho byagaragariye buri wese ko guhinira amateka y'ibyabaye ku mpande ebyiri [urw'ababi n'abeza] mu gushakisha ibisobanuro rukomatanyo byatesheje ireme imyumvire y'ibikorwa byajyanye n'itsembabwoko kimwe n'ingingo zashingiweho ibirego zateshejwe agaciro n'amakipi y'abunganizi bari baragiye bamenya neza, uko imyaka itashye, imizi n'umuhamuro by'uko ibintu byifashe mu Rwanda.

Gukumira anketi ku bantu ba rumwe mu mpande zari zihanganye na byo byatubije imyumvire y'ibyabaye n'iy'ibyikurikirana ryabyo. Byatumye cyane cyane amakipi y'abunganizi bahinira iburana ku rusobe rw'ibyerekezo bya politiki gusa, bageza n'aho kunnyega inyito z'ibyaha by'ubugome by'itsembabwoko abo bunganira bakurikiranyweho.

Ariko umurimo wo guharanira ukuri n'ubutabera wakorewe mu kibaba cy'uruhande rwatsinze ntiwari wanzuriye gusa ku bumenyi bucagase kandi bubogamye. Iterana ry'amagambo wakongeje kandi wakomeje kwenyegeza ku byerekeye politiki n'igenantekerezo ryaje ku buryo busanzwe rwose ku murongo wa mbere mu gihe ingamba zo gusoza zibanziriza irangira rya manda y'urukiko rwa TPIR zaje guhindukamo ibyemezo bifatika. Umutuzo abashinjacyaha bose uko bakurikiranye bari baratanzeho ikiguzi cyo kuvirira igipande cya manda yabo icyo gihe wabangamiye ishyirwa mu bikorwa ry'amabwiriza y'inzibacyuho n'ay'iyegurirabubasha leta y'U Rwanda kuko nta gihugu na kimwe, kugeza mu mpera z'umwaka wa 2009, cyari cyemeye ko inzego z'ubucamanza zarwo zari zihwanye n'iz'igihugu kigendera ku mategeko. Abategetsi rero basanze bagomba gutora hutihuti amategeko yo mu bihe bidasanzwe, ari ukugira ngo berekane ko basa n'abari ku ntera y'aho abandi bageze. Koko rero, n'ubwo umushinjacyaha yemeje ko muri rusange ubucamanza bwo mu Rwanda bwujuje ibyangombwa ariko akanateganya ko mu gihe kizaza hazabaho amavugurura yo kubutunganya kurushaho, ntiyashoboraga gusimbuza ibyemezo by'abacamanza b'urukiko rwa TPIR ibye bwite. Aba bamaze kuvugwa, kubera kutagira aho bahurira na politiki yo gukurikirana abaregwa, bashoboraga kwerekana ubwigenge bwabo, ndetse bakanagaya ubushobozi buke bw'ibiro by'umushinjacyaha mu madosiye areba FPR. Ingorane bagombaga gutsinda zari nyinshi. Mbere na mbere bagombaga gukemura ikibazo cyo kwimurira amadosiye atarapfundikirwa mu bucamanza bw'ibihugu birimo abaregwa bashya cg abazafatirwamo cg se mu bucamanza bw'U Rwanda rwari rwasabye kuva urukiko rwa TPIR rwajyaho, ko rwakohererezwa abakekwa bose bashakishwa, ariko kandi, ku buryo bw'ibanze kandi bwumvikana, abaregwa bose urukiko mpuzamahanga rutashoboraga gucira imanza cg gufata mbere y'uko rufungwa. Kuva mu myaka myinshi, inzira zitabarika zo kohereza mu Rwanda abaregwa ziregetswe mu Buhorandi, mu Bwongereza, mu Bufaransa, muri Nouvelle Zelande, muri Kanada, mu Busuwisi cg muri Suwedi, bitewe n'ibibazo bitoroshye byerekeranye n'ubushobozi bw'ubucamanza bwo mu Rwanda bwo kubahiriza uburenganzira bw'abaregwa no kubacira imanza mu buryo bukwiye. Kuva igihano cy'urupfu cyavanwaho mu Rwanda mu ntangiro z'umwaka wa 2007, inzitizi y'ingenzi yo mu rwego rw'amategeko yabuzaga kohereza abaregwa mu Rwanda yavuyeho, ariko ibihugu

byose byategereje ko urukiko rwa TPIR rufata iya mbere rukagira uwo rwohereza, mbere y'uko na byo byirukana kandi bigasubiza mu Rwanda abafite amadosiye amaze igihe atendetse. Mu by'ukuri byahitagamo kutaburanisha cg kutongera kuburanishiriza iwabo imanza zibihenda, ariko cyane cyane byizeraga kurangiza burundu "amadosiye y'U Rwanda". Koko rero, byabonaga ko, rutitaye ku bisubizo rwahawe ku bibazo byarwo byerekeye ubucamanza no kurwanya ubudahanwa, U Rwanda rutahoshaga kubyotsa igitutu, kandi rukitwaza abo bakurikiranwa kugira ngo rujyane mu bindi bihugu amakimbirane yarwo ubwarwo, no kugira ngo kandi rwihimure ku bihumbi mirongo by'abatavuga rumwe na rwo n'impunzi za kera n'iza vuba zinyanyagiye hirya no hino ku isi. Ubundi kandi, U Rwanda rwakomeje gusaba ko abakatiwe n'urukiko rwa TPIR boherezwa kurangiriza ibihano byabo mu Rwanda. Kugeza ku itariki ya 4 Werurwe 2008, ibihugu bya Mali, Ubutariyani, Benini [Bénin], Swazilandi, Ubufaransa na Suwedi byari byarasinyanye n'urukiko rwa TPIR amasezerano yerekeye iby'irangizagihano. Abaregwa bose bari barakatiwe burundu barangirizaga igihano cyabo muri Mali. Kuva icyo gihe rero ni bwo urukiko rwa TPIR rwasinyanye amasezerano na Guverinoma y'U Rwanda, amasezerano yongera kwemeza ko abakatiwe n'urukiko rwa TPIR bazoherezwa mu magereza yo mu Rwanda. Ayo masezerano ntiyatumye impaka zihagarara. Icyemezo cy'uko uwakatiwe arangiriza igihano cye mu Rwanda kigomba gufatwa na perezida w'urukiko. Kugeza uyu munsi nta wakatiwe n'umwe wari woherezwa. Muri uko kwezi kandi, atanabanje kumva icyo ingereko zibivugaho, umushinjacyaha yemeye kohereza abategetsi b'U Rwanda amadosiye ya FPR yari yakorewe anketi n'urukiko rwa TPIR. Icyo cyemezo cyabyukije ubwumvikane buke bwagaragaye hagati y'ibiro by'umushinjacyaha, ku ruhande rumwe, n'umuryango uharanira uburenganzira bw'ikiremwamuntu, Human Rights Watch, n'abatangabuhamya benshi b'inzobere bari bagize uruhare mu gukora ayo madosiye kugeza ubwo, ku rundi ruhande.

Ikibazo cya nyuma cyari icyo kohereza mu Rwanda amadosiye n'abaregwa bafunzwe ariko bataracirwa urubanza n'urukiko rwa TPIR, kandi U Rwanda rukaba rubisaba na byo. Icyo kibazo cyakuruye impaka zikarishye cyane ku itariki ya 24 Mata 2008, mu gihe abacamanza babazaga abahagarariye Guverinoma n'ishyirahamwe ry'abunganizi bo mu Rwanda, ndetse n'izindi mpande zirebwa n'icyo kibazo, kugira ngo bemeze niba uregwa wa mbere umushinjacyaha yateganyaga kohereza mu Rwanda azashobora kuhaburanishirizwa urubanza ruboneye. Iryo suzuma ry'ibyangombwa ubucamanza bugomba kuzuza no ku buryo bwaguye, iry'ikibariro cya politiki n'ubucamanza by'U Rwanda ryabyukije impaka zikaze hagati y'ibiro by'umushinjacyaha bishyigikiwe n'abategetsi b'U Rwanda kimwe n'ishyirahamwe ry'abunganizi bo mu Rwanda, ku ruhande rumwe, n'imiryango n'amashyirahamwe byari byifuje kugira icyo "bisobanurira" urukiko kuri iyo ngingo, ku rundi ruhande (*reba umugereka 131*). Mu mezi yakurikiyeho, ibyemezo bitanu bihakana byafashwe n'ingereko zari zasabwe kugira icyo zivuga kuri uko gusaba ko abaregwa boherezwa mu Rwanda byerekanye ko abacamanza batari banyuzwe n'ingingo zatanzwe n'ibiro by'umushinjacyaha.

Ibyo byemezo bihakana byaje gushimangirwa n'urugereko rw'ubujurire rw'i La Haye. Abategetsi b'U Rwanda n'umushinjacyaha bagaruye icyo kibazo mu mpera z'uwo mwaka, batanga icyizere cy'uko bazanonosora amategeko bakurikije ingingo zari zagaragayeho ikinegu.

Mu mpera z'umwaka wa 2009, n'ubwo abategetsi b'U Rwanda n'umushinjacyaha botsaga igitutu za ambasade kandi bakaba bari bashyigikiwe n'abagize inama ishinzwe amahoro ku isi hafi ya bose ku kibazo ko kohereza abaregwa mu Rwanda, nta mwanzuro wari wakaboneka ngo ushyikirizwe abacamanza na none[42]. Iyindi ntego, na yo y'ikimenyetso kandi yakururaga amakimbirane ni iyerekeranye n'uko abategetsi b'U Rwanda bari barasabye gusigirwa ikigega cy'amakuru n'iyyandiko by'urukiko rwa TPIR. Kubibemerera bivuga ko bari kumenya amakuru yose ahunitse mu kigega cyarwo, harimo n'ay'ibanga rikomeye, bityo rukaba rushyize ku karubanda abaranguruzi barwo n'abatangabuhamya batari bashatse ko amazina yabo amenyekana. Ibyo kandi rukabigirira uruhande rumwe mu zo manda y'urukiko yabariraga mu bashyamiranye kandi rukabakeka kugira uruhare mu byaha by'ubugome by'intambara n'ibyaha by'ubugome byibasiye inyokomuntu. Uko kwigerezaho gukomeye kwari kwihishe n'inyuma y'amadosiye ashinja yakorewe uruhande rwatsinze. Guseta ibirenge no kujijita by'ibiro by'umushinjacyaha mu gukurikirana abanyamuryango ba FPR bakekwaho ibyaha by'intambara cg ibyaha by'ubugome byibasiye inyokomuntu byabaye inzitizi ikomeye yabangamiye ikusanya ry'ubuhamya bushinja.

None se umuntu yakwihangishaho ate gukomeza ibanga ry'amazina y'abagabo n'abaranguruzi akanabizeza kubarinda – cyane cyane niba bari mu Rwanda –, akishingira umutekano bwite n'uwo mu kazi w'abakozi b'Urukiko bagize uruhare mu gukorera amadosiye abayobozi ba gisivili n'aba gisirikari ba FPR niba, byatinda byatebuka, amaherezo abo bayobozi bazasigirwa iby'ikurikiranwa n'amadosiye byabo ?Ku buryo bushamikiye kuri iki kibazo, ni nde watekereza rwose ko icyizere cyo kurindwa, gukomeza kwitabwaho, kugera mu bucamanza no gushobora kujurira Umuryango w'Abibumbye uvuga ko ufite uzacyubahiriza ku buryobutabogamye nk'ubwo wagaragaje mu madosiye y'U Rwanda wasuzumye kugeza uyu munsi ?

Abakozi bose n'abagabo bazi ko kuva urukiko rwa TPIR rwajyaho, nta kintu na kimwe mu biruberamo serivisi z'iperereza mu Rwanda zitamenya : abahabwa imyanya, amadosiye, ubugenzacyaha, ingendo, ingingo-shingiro z'amakuru, ndetse ukongeraho n'ibyo ingereko ziba zategetse ko bikorerwa mu muhezo[43] ! Umuntu rero ashobora gutekereza ko ibyo gukomera ku mahame ngenderwaho ari iby'umuhango gusa. Nyamara, hari gihamya zitabarika zitsindagira ko uburemere bw'ingaruka zo kubahiriza cg se kutubahiriza ayo mahame bufite

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[42] Ku itariki ya 30 Werurwe 2009, Umunyamabanga mukuru wungirije w'Umuryango w'Abibumbye ushinzwe iby'amategeko, Patricia O'Brien, ntiyajijinganyije gutanga umusanzu we muri icyo gitsure yemeza, mu gihe yari mu ruzinduko i Kigali, ko kohereza mu Rwanda abaregwa itsembabwoko ari "icyemezo gituruka ku Nama ishinzwe umutekano n'abacamanza b'urukiko rwa TPIR".

[43] Twibuke amagambo umushinjacyaha Louise Arbour yabwiye umunyamakuru w'Umunyakanada Caroll Off : "Guverinoma y'U Rwanda yasomaga amabaruwa yanjye. Yari izi ibyo nakoraga. Kubera ibyo, iyo nabaga nohereje umuntu gukora anketi kuri FPR, yashoboraga kwicwa. Sinabikoze" (Caroll Off, *The Lion, the Fox and the Eagle [Intare, Nyiramuhari na Sakabaka]*, Random House Canada, 2000.)

ishingiro. Reka ntange urugero rugaragaza imikorere y'icyo "kimashini" kiniga ukuri – rimwe na rimwe ku buryo bugambiriwe : Muri Gashyantare 2002, ubwo hategurwaga imanza "zikomeye" z' abayobozi ba gisirikari n'abanyapolitiki bagize uruhare mu itsembabwoko, abantu cumi n'umwe bo mu basirikari bakuru bo mu rwego rwo hejuru barimo ba minisitiri b'ingabo bemeye gufatanya n'urukiko rwa TPIR kandi bari bafite ibimenyetso bigaragara byashoboraga gusenya ingingo abaregwa itsembabwoko bitwazaga bahakana ibyo bashinjwa. Mbere y'itsembabwoko, bose bari baritandukanyije n'intagondwa ku mpande zombi kandi baragerageje gukoma imbere ubwicanyi nubwo nabo ubwabo bashoboraga kuhasiga ubuzima.

Ubwo bari bamaze gushyirwa ku rutonde rw'abatangabuhamya, nubwo urukiko rwa TPIR rwagombaga kwishingira ko amazina yabo agirwa ibanga, batangiye bose kwibasirwa icyarimwe. Uwa mbere ubwo yari agiye gutanga ubuhamya Arusha ku itariki ya 25 Werurwe 2002 byavuzwe ko "ari mu bakekwaho icyaha bari gukorwaho anketi". Undi yararezwe afatirwa mu Bubiligi ku itariki ya 15 Gicurasi bisabwe n'Ubushinjacyaha (nyuma, nk'uko twabibonye, yaje kurekurwa ku itariki ya 18 Kanama ubwo umushinjacyaha yagombye kwemera ko "gihamya" zatanzwe zitari zifite epfo na ruguru). Abandi babiri bahuye n'ingorane zinyuranye birimo gukangishwa ubucamanza no gukurikiranwa mu bihugu byabakiriye. Abanyuma, bari basigaye mu Rwanda, batakaje akazi kabo, bagahozwa ku nkeke bazi gusa ubwitange bwari buzwi gusa n'ibiro by'umushinjacyaha… Ubwo bari hafi yo gufatwa, umujenerali wahoze ari minisitiri n'umukoloneli bagombye gutoroka igihugu ku itariki ya 30 Werurwe 2003. Naho liyetona – koloneli wari visiperezida w'Urukiko rw'ikirenga we yashimuswe ku itariki ya 23 Mata muri uwo mwaka n'abakozi ba serivisi z'iperereza rya gisirikari n'igiporisi(DMI), ajyanwa mu kigo cy'i Kami i Kigali none ntihagira uwongera kumuca iryera ukundi[44]. Undi musirikari mukuru – wari waremewe na bose ko yagize ubutwari bwo kurwanya itsembabwoko i Butare, akaba yarabaye n'umusirikari mukuru wa mbere wo mu ngabo z'U Rwanda wakiriwe mu ngabo za FPR muri Kanama 1994 - yafunzwe ku itariki ya 9 Gashyantare 2004, bashingiye ku buhamya bw'abashinja bavuye mu mfungwa yari yarasabiye ubwe ko bakurikiranwa ! Mu gihe cy'imyaka ibiri, abari bagize ityo tsinda bose bari bamaze gutatana nta n'umwe ushoboye gutanga ubuhamya Arusha.

FPR ntiyashakaga ko abo basirikari bakuru bahoze mu ngabo zatsinzwe yashakaga guharabika batanga ubuhamya mu rukiko rwa Arusha ku byaha by'ubugome by'itsembabwoko, kuko yatinyaga, kandi koko wenda byari gushoboka, ko nyuma bari no kuzagaragaza urugomo rukabije rwakozwe n'abahoze ari inyeshyamba [z'Inkotanyi]. Izi ngero zirerekana ikintu kidakunze kuvugwa : ubufatanye bwuzuzanya hagati hagati y'abategetsi b'U Rwanda n'urukiko rwa TPIR. Kuva mu mwaka wa 1990, ibyo FPR yashoboraga kubona yifashishije intwaro yabigezeho : kwigarurira ubutegetsi, gushyigikirwa n'amahanga, kubona umwanya wiyubashye mu rwego rwa gisirikari n'urwa

[44] Reba Agustin Cyiza, *Un homme libre au Rwanda [umuntu urangwa n'ubwisanzure mu Rwanda],* Karthala, Paris, 2004, p. 209 n'ibikurikira, n'umugereka 132.

politiki mu karere. Hiyongeyeho kandi ikiguzi cy'uko umuryango mpuzamahanga witwaye nabi mu itsembabwoko ryo mu mwaka wa 1994, ibyo bikarihwa mu mfashanyo nyinshi z'amafaranga n'ibikoresho binyuranye ndetse n'icyizere cyo kutazahanwa ku byaha by'intambara, haba imbere mu gihugu haba no mu karere utaretse ibyaha byo gukomeza kwigarurira uburasirazuba bwa Repubulika iharanira Demokarasi ya Kongo.

Kuri iyo ngingo, urukiko rwa TPIR, kimwe n'izindi nzego mpuzamahanga zagize icyo zivuga ku mizi n'umuhamuro by'amakuba yagwiriye U Rwanda, rwashishikariye gusa kurangiza inshingano rwari rutezweho [na FPR] ari yo kugarukira gusa ku myumvire y'itsembabwoko ryakorewe Abatutsi b'abasivili hirengagijwe amarorerwa [ya FPR] mu ntambara yahembereye iryo tsembabwoko.

### *Urubanza rwa Bagosora : imbibi z'igorekamateka*

Abacamanza b'urukiko rwa TPIR icyakora bashoboye gukumira inzira yo kugoreka amateka yimakajwe n'abatsinze intambara [FPR]. Muri urwo rwego, urubanza rwa Bagosora rwasomwe ku itariki ya 18 Ukuboza 2008[45] bigaragara ko ari rumwe mu manza z'ingenzi zizaranga amateka y'urwo rukiko mpuzamahanga. Rushingiye ku mbata ubushinjacyaha bwari bwatanzemo ikirego, urukiko rwafashe ingingo zinononsoye rwose kandi akenshi z'umwimerere.

N'ubwo urwo rubanza rukiri mu bujurire kandi rukaba rutarabujije ko habaho impaka zibogamye[46], uburyo rwakijijwemo rufite akarusho kanini cyane ko gushyira ku mugaragaro icyo abacamanza bo mu rugereko rwa 1 rwa TPIR basanze ari ko kuri nyakuri abacamanza bageze ho nyuma y'imyaka y'urubanza n'amezi bamaze basuzuma ingingo zatanzwe n'impande zombi.

Mu by'ukuri, igitekerano cy'uko itsembabwoko ryateguwe cyari cyaramaze kuba nk'ivanjiri itavuguruzwa[47] kubera uruvangitirane rw'ibikorwa, imvugo n'ingiro bitabarika byari byaragiye byitabazwa buri gihe mu birego by'urukiko rwa Arusha bigafatwa nk'aho ari byo kamara mu nzira z'amategeko ndetse byose bikaba intero n'inyikirizo mu kugereka kuri Bagosora urusyo rwo kuba "umucurabwenge [wa jenocide]". Kuva ubwo rero, icyo gitekerano cyari cyarabaye nk'umurongo ntarengwa w'ahatangirira "ingengabitekerezo y'itsembabwoko" – ari yo ntandaro yo guhakana no gupfobya itsembabwoko –,

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[45] Reba mu mugereka 133 incamake y'imikirize y'urwo rubanza yatangajwe n'urugereko rwa 1 rwa TPIR. Kubona umwandiko warwo wuzuye, ni ukureba Urugereko rwa 1 ruburanisha, dosiye nº ICTR-98-41-T, *Bagosora, Imikirize y'urubanza n'ikatirwa, op. cit.*, TPIR, 18 Ukuboza 2008.

[46] Umuvugizi wa FPR yatangaje amagambo arimo umunya : "Oya, umucamanza wa Arusha ntiyumva ibishandikwa, ntiyumva ibitegurwa, kabone n'iyo bivugwa mu ijwi riranguruye, kandi ntiyemera ibirimo gupangwa ! Ibyo birasa n'ibisekeje ; biributsa ariko nibura ibintu bibiri : icya mbere ni uko Abanyarwanda, ndetse n'abanyuze mu masomero, batandika iteka ryose ibyo bateganya gukora ; ikindi, birerekana ukuntu ari ibyago kuba urukiko rwa TPIR rwaraharīwe gusa abacamanza bazi gake cyane cg batazi na mba ku Rwanda. Abacamanza bahangikwa ku buryo bworoshye n'uruco rw'abashakashatsi bibera mu masaro…" (Servilien SEBASONI, "Bagosora ou le risque de l'impunité [Bagosora cg amakuba y'umuco wo kudahana]", Mutarama 2009, ibi biri ku rubuga rwa FPR www. rpfInkotanyi.org/).

[47] "Kwibuka abazize itsembabwoko mu Rwanda bigenerwa igihe kigufi cyo hagati y'itariki ya 1 Ukwakira 1990 n'iya 31 Ukuboza 1994, kandi nyamara amateka y'itsembabwoko ryakorewe Abatutsi yaramaze imyaka mirongo, kuko ari ngombwa kuyahera mu mizi yayo, niba dushaka gutahura neza impamvu zayo", KOMISIYO IDASANZWE YA SENA, *Ingengabitekerezo y'itsembabwoko mu Rwanda n'ingamba zo kurirandura*, Kigali, 4 Gashyantare 2009, p. 152.

abategetsi b'i Kigali bahinduye icyaha. Ikindi kandi, abategetsi [b'i Kigali] bemeza ko utemera ko itsembabwoko "ryateguwe" ntaho atandukaniye n'abavuga ko "uburakari bw'abaturage" ari yo ntandaro y'ubukana n'ubugome burenze urugero byaranze ubwicanyi bwo mu mwaka wa 1994. Ibyo rero ngo byaba ari ukugwa mu mutego w'abavuga ko igikorwa cy'iterabwoba cyakorewe indege ya perezida n'umujinya cyakongeje ari zo ntandaro zonyine z'amahano yabaye. Mu yandi magambo, byaba ari ukwemera ko itsembabwoko ari ikintu kitateguwe, bityo ero ukaba ugize "ibyiyumviro by'irondakoko nk'iby'ababona ko irimbura ry'Abanyarwanda b'Abatutsi ryabaye icyiciro mu ntambara y'amoko imaze ibinyejana byinshi, yaje yiyongera ku zayogoje umugabane wa Afurika[48]." Muri uwo murongo, imikirize y'urubanza rwa Bagosora mu by'ukuri ifatwa nk' "inkurikizi ziteganyijwe z'igitekerezo cyo guhakana no gucurikanga itsembabwoko : ihahakana itsembabwoko ryakorewe Abatutsi cg ikayegeka ku Batutsi ubwabo[49]… "

Igihabwa intera y'umwihariko ni icyemezo cy'abacamanza cyaratekerejweho cyane kandi kigasasirwa n'ingingo nyinshi cyo kuvana ikirego cy' "umugambi w'ubwumvikane bugambiriye gukora itsembabwoko" mu byaha Bagosora yashinjwaga. Koko rero, gihamya umushinjacyaha yari yaratanze mu manza 16 kuri 35 zari zimaze kurangira hagati mu mwaka wa 2009 zo kwemeza abacamanza ko habayeho akagambane ko gukora itsembabwoko abacamanza [bo mu rubanza rwa Bagosora] basanze zidahagije kandi ari zo zari zaragizwe inkingi shingiro y'ibirego muri urwo rubanza rw'akarorero. Urubanza rwa "Bagosora n'abandi" rwagombaga gukatira "umucurabwenge" w'itsembabwoko, n'umushinjacyaha ntiyajijinganyije gushyira mu bisobanuro bye amarenga akomoza ku by'ihanurwa ry'indege ya perezida ryasaga nk'aho mu by'ukuri ari ryo ryari ikimenyetso cya mbere cy'"akagambane" ko gukora itsembabwoko.

Reka ngaruke kuri zimwe mu ngingo z'ingenzi z'imikirize y'urubanza rwo ku itariki ya 18 Ukuboza 2008.

Iya mbere ni iy'uko igikorwa cy'iterabwoba cyo ku itariki ya 6 Mata cyatanzweho ikimenyetso ku buryo butunguranye, n'ubwo cyahise gitandukanywa rugikubita n'ibisobanuro rusange abacamanza batanze : n'ubwo rwiziritse ku buryo budakuka kuri gihamya zicyerekeye zagiweho impaka, urugereko rwabonye ko igikorwa cy'iterabwoba cyahanuye indege ya perezida gifite "ibisobanuro bivuguruzanya", ariko ko nta na kimwe muri byo kibabuza gushidikanya.

> "10. […] Amatsinda amwe na yo yatanze ibisobanuro bitari bike byashobora kugaragaza uko ibintu byagenze. Banwe bashingira ku gitekerezo ko ari FPR yaba yarahanuye indege ya perezida Juvénal Habyarimana ku itariki ya 6 Mata, akaba ari icyo gikorwa cyiyongera ku bindi cyaba cyarabaye imbarutso y'itsembatsemba rivumbutse rityo[50]."

Ingingo ya kabiri yerekeranye n'uko abacamanza batemera ko icyitwa "umucurabwenge" w'itsembabwoko yaba yarabayeho koko. Imikirize y'urubanza

[48] Servilien Sebasoni, "Bagosora ou le risque de l'impunité [Bagosora cg amakuba y'umuco wo kudahana]", *op. cit.*
[49] *Ibid.*
[50] Umushinjacyaha vs Théoneste Bagosora n'abandi, dosiye nº ICTR-98-41-T, *Incamake y'imikirize y'urubanza, op. cit.*, 18 Ukuboza 2008, p. 3.

yerekana neza uruhare bwite rwa koloneli Bagosora mu bwicanyi bwakorewe abanyapolitiki, mu gutangiza itsembatsemba no mu gukora itsembabwoko, ariko na none ikagaragaza neza impamvu itemera ihame ry'akagambane hagati y'abakoze itsembabwoko n'abateguye gahunda y'ibikorwa byo kuyirangiza. Bityo, urugereko rurasanga ubwicanyi bwakorewe abanyapolitiki batavugaga rumwe na Muvoma butinjira byanze bikunze mu "bugambanyi bwo gukora itsembabwoko", kandi bukaba bushobora guturuka ku makimbirane ya politiki agamije gufata ubutegetsi, cg se ku byemezo byafashwe kubera ko intambara na FPR yari yubuye[51]. Mu ikatwa ry'urubanza, abacamanza baha umwanya ugaragara ubwicanyi bwibasiye abanyapolitiki batavugaga rumwe na Muvoma, ndetse n' "Abahutu bacisha make" bahigwaga n'abicanyi intambara igitangira[52].

Muri iyo minsi mike, Théoneste Bagosora yaba yaritwaye koko, ku ruhande rumwe, nk'umuyobozi ufite umwete w'ibikorwa "byagombaga kurangizwa" kugira ngo abungabunge inyungu rusange z'abo mu Kazu n'iz'ibikomerezwa byo ku Gisenyi zari zigiye guhungabanywa n'igitero gitunguranye, hanyuma ku rundi ruhande, nk'umunyapolitiki usunikwa n'irari rye bwite ridakumirwa, akaba yaragombaga gukina abantu bose kugira ngo asimbure uwari waramutsikamiye imyaka makumyabiri yose kandi ngo amaherezo agere ku ipeti risumba yose rya jenerali majoro. Koko rero, nk'uko twabibonye, ibyemezo by'ingenzi byo mu ijoro ryo ku ya 6 rishyira iya 7 Mata na bukeye bwaho byafashwe na Agathe Habyarimana ubwe cg se amaze kubyumvikanaho n'abo mu muryango mugari, "urebye ububasha yari afite mu masaha yakurikiye igikorwa cy'iterabwoba cyo ku itariki ya 6 Mata 1994[53]". Kuba Bagosora yaragerageje gufata ako kanya ibyimbo byatuma agera ku butegetsi ni ikintu cyumvikana, ariko ntiyashoboraga, uko ibintu byari bimeze icyo gihe, "kutizirika" ku mabwiriza n'ibyifuzo by'umuryango wa perezida. Si na we umuyobozi w'umutwe urinda perezida yagishije inama mbere yo gufata icyemezo cyo "guhora" no gutsembatsemba byakozwe n'abakomando yategekaga n'imitwe yitwara gisirikari.

Buri gihe umutwe urinda perezida wari "igikingi bwite" cy'umuryango wa perezida Habyarimana ari mu gutoranya abawujyamo ari no mu micungire yawo. Kuko wagenderaga ku mategeko ataziguye y'uwo muryango kandi mu buryo bw'imikorere ukayoborwa na koloneli Élie Sagatwa, muramu wa perezida n'umukuru wa etamajoro ye utagaragara, umutwe urinda perezida wagengwaga na etamajoro yabugenewe ku buryo bw'icyitiriro gusa. Ku itariki ya 6 Mata

[51] "17. Urugereko rwemera nta shiti ko ibikorwa bimwe bishobora gusobanurwa nk'aho bihamya imibereho y'umugambi wo gukora itsembabwoko, ku buryo bwihariye iyo urebye ukuntu ubwicanyi butoranya bwakozwe vuba cyane indege ya perezida igihanurwa. Urugereko rurerekana kandi ko no muri gihamya zatanzwe, biboneka ko hari imyiteguro yari yakozwe mu rwego rwo kurwanira ubutegetsi bwa politiki cg ubwa gisirikari, ko amabwiriza yari yatanzwe mi kibariro cy'intambara irwana na FPR yashyizwe mu bikorwa bifite indi migambi guhera ku itariki ya 6 Mata 1994" (*Incamake y'imikirize y'urubanza, op. cit.*, p. 4).

[52] Nko mu zindi ntambara nyinshi, kwibanda ku bagize uruhare mu rugomo cyane no ku bahezanguni muri rusange byatumye ba ambasaderi n'abahuza banyuranye birengagiza abashyira mu gaciro bari muri Guverinoma, abanyamuryango b'amashyirahamwe ya gisivili baba barashoboye guhindura icyerekezo ibintu byajyaga mo, nuko kubera ibyo bumva batereranywe kandi bafite imbaraga nke. Ku bireba U Rwanda, umuntu yatekereza yuko mu minsi ya mbere ya Mata, iyo abanyapolitiki bari bitandukanyije n'ibikundi bishingiye ku moko bajya guhabwa inkunga itazuyaza na za ambasade z'ibihugu bikomeye, n'ingabo z'amahanga zari zahurujwe ndetse n'abasirikari ba Loni, baba baragize igitinyiro gihagije kugira ngo basabe guhagarika itsembatsemba, kuyugiriza imitwe y'urubyiruko no kongera kugenzura imitwe y'abasirikari bari bigometse, babifashijwemo n'ubuyobozi bukuru bw'ingabo z'U Rwanda.

[53] Reba umugereka 54.

nimugoroba, abantu babiri gusa ni bo bashoboraga kuwuha amategeko, ni Agathe Kanziga na Protais Zigiranyirazo. Ikindi kandi, kuba *Interahamwe* zaragiye mu myanya ako kanya zigafatanya n'umutwe urinda perezida, nk'uko abakurikiraniraga ibintu hafi babibonye, ntibyarebaga *Interahamwe* zo muri Kigali muri rusange, ahubwo byarebaga ku buryo bwihariye amatsinda y'i Kanombe n'i Remera yari agizwe n'abasirikari basezerewe mu ngabo barahoze mu mutwe urinda perezida[54]. Ikibazo cyo kugenzura umutwe urinda perezida no guhagarika itsembatsemba nticyashoboraga gukemurwa na etamajoro cg ubuyobozi bukuru by'ingabo badahawe uburenganzira na Agathe Kanziga cg Protais Zigiranyirazo, uburenganzira banze gutanga mbere y'uko bava i Kigali, umwe ku itariki ya 9 Mata (agana i Paris), undi ku itariki ya 10 Mata (ajya ku Gisenyi). Kuva kuri ayo matariki, mu gihe ibya ngombwa byose by'inzibacyuho irengera inyungu n'irari byabo byari bimaze gushyirwaho, Théoneste Bagosora, kimwe na Joseph Nzirorera, bari bageze aho guhangana n'iminsi yari ibategereje.

Ingingo ya gatatu yerekeye gihamya zishyigikira ko habayeho akagambane nyakuri n'umugambi byo gukora itsembabwoko. Icyo gika cy'imikirize y'urubanza, mu by'ukuri, ni imwe mu ngingo zidasanzwe kandi zigatse byinshi[55], zitaruye cyane ingingo zari bikubiye mu rwandiko rw'ikirego, ni ukuvuga, kuba uregwa yari mu bari bagize komisiyo yo muri 1991yasobanuye "umwanzi" uwo ari we (*reba umugereka 7*), kuba yaragize uruhare mu bikorwa byo gutegura abarwanyi bahabwa inyigisho n'imyitozo ya gisirikari, gutanga intwaro no kuzihunika, gushyira gahunda iboneye mu mitwe y'urubyiruko rw'amashyaka anyuranye, gukora amalisiti cyane cyane i Kigali, ubuhamya butabarika bwacaga igikuba burimo ibaruwa idasinye yo ku itariki ya 3 Ukuboza 1993 y' "abasirikari bakuru bacisha make" kimwe n'ibyahishuwe n'uzwi ku izina ryamamaye rya "Jean-Pierre" ku itariki ya 10, ya 11 cg iya 12 Gashyantare 1994…

Imikirize y'urubanza muri ikigika yabaye iya mbere mu mateka y'urukiko rwa TPIR yasuzumiwemo ku buryo bunonosoye kandi bugiye umujyo umwe ingingo na gihamya zose zari zimenyerewe gushingirwaho mu gushyigikira ihame ry' "itegura" ry' itsembabwoko. Abacamanza basanze ibyinshi mu birego bihuzagurika cg se bidafite ishingiro ; ibyo babyemeje bamaze gusuzuma impapuro ibihumbi n'ibihumbi by'inyandiko ndende kandi zivuguruzanya z'iburanisha – aho abenshi mu bashyigikiye izo ngingo z'ibirego biyemereye ubwabo ko izo ngingo zitabuze inenge –, ko nta wakwizera cyane abatangabuhamya bose kandi ko bagiye bakoresha amakuru bahawe uko babyumva ku buryo budahuye neza n'inkuru zirondora uko ibintu byagenze. Ingingo zikomeye kurusha izindi abacamanza bafasheho umwanzuro ni ikibazo cy'imitwe yitwara gisirikari na gahunda yo kwirwanaho kw'abaturage[56].

Ku buryo bwimbitse mu mizi, abacamanza bahakanye ku mugaragaro

[54] Ku itariki ya 7, ariko cyane cyane ku itariki ya 8 ni bwo "komite y'imbangikane" y'*Interahamwe* yakoranyije kandi ishyira kuri gahunda andi matsinda y'urubyiruko ifatanyije n'abasirikari bo mu ngabo bari bakomeje kumvira amategeko bahabwaga n'abasirikari bakuru biziritse ku gatsiko ka perezida, hanyuma, kuva aho Guverinoma y'agateganyo igendeye, ni bwo habaye ubwibumbe na komite y' "umujyi" yari iyobowe na perefe Renzaho na Théoneste Bagosora.

[55] Urugereko rwa 1 ruburanisha, dosiye nº ICTR-98-41-T, Bagosora, *Imikirize y'urubanza n'ikatirwa, op. cit.*, umutwe wa III, 2 "Ibirego byerekeye icuramugambi n'itegurwa ry' itsembabwoko", p. 45-159.

[56] *Ibid.*, reba igika 2.6. "Kurema, gutoza no guha intwaro imitwe y'abasivili".

ibikorwa bisasira n'ingirwahame zishyigikira igitekerezo gishingira "imiteguririre" y'itsembabwoko ryo mu Rwanda ku buryo bw'igereranya riyiringaniza n'itsembabwoko ry'Abayahudi mu Budage bw'Abanazi. Nta gihamya n'imwe y'akagambane ko gukora icyaha yigeze yemezwa, nta n'umuntu n'umwe mu bakekwaga kuba mu gaco k'ubugambanyi wigeze ahamwa n'icyo cyaha, kabone nubwo abacamanza barenze cyane iby'amabwire y'ubushinjacyaha ntibazuyaze gusuzuma ibyabaye mbere cyane y'itariki ya 1 Mutarama 1994 bashakisha gihamya z'akagambane kavugwaga[57] :

> "16. Inyinshi mu ngingo shingiro z'igitekerezo cy'umushinjacyaha ko habayeho akagambane ntizashyigikiwe n'ubuhamya bushobora kwizerwa ku buryo buhagije. Nk'ingero, umuntu yavuga ikirego kigerageza kwemeza ko Bagosora yateguraga "Umunsi w'imperuka" mu mwaka wa 1992[58] n'uruhare abaregwa baba baragize mu mashyirahamwe y'ubugizi bwa nabi akorera mu bwihisho nk'AMASASU, "ikiguri-nunga" [réseau zero] cg se udutsiko two guhitana abantu. Ubuhamya ku nama yaba yarakorewe i Butare muri Gashyantare 1994 Bagosora na Nsengiyumva bakayiteguriramo itonde ry'Abatutsi bagomba kwicwa basanze butagirirwa icyizere. Urugereko rwageze ku mwanzuro umwe ku byerekeye imbwirwaruhame Kabiligi ngo yaba yaratanze ku itsembabwoko muri Gashyantare 1994 mu Ruhengeri. Ku mpande zimwe zabyo, ibaruwa idasinye yavugaga ko hariho "umugambi wa Shitani", n'amakuru yatanzwe na Jean-Pierre bigomba kugirirwa amakenga[59]."

Muri za rusanze zabo, abacamanza ntibahakana ko itsembabwoko ryashoboraga guteganywa, cg se ko hariho ibimenyetso by'integuza, nk'urugero, amagambo yuzuye urwango na poropagande byajyanye n'ishyirwaho ry'imitwe no kuyiha intwaro – ibikorwa byari ibyaha by'ubugome (gutanga intwaro, guhisha intwaro, ubwicanyi, nb.) kandi bigakorwa n'abantu ku giti cyabo, n'amatsinda y'abantu, ndetse n'abari bafite ubutegetsi bwa rubanda[60] –, ariko mu gusoza ibisobanuro birebire by'izo ntangamugabo n'ingingo zijyanye na byo, urugereko rwafashe umwanzuro, kimwe n'uko izindi zari zabigenje mbere yarwo, w'uko ikirego cy'ubwumvikane bugamije gukora itsembabwoko kidafite gihamya simusiga "idashobora gushidikanywaho".

Urebye urwego rw'abaregwa, kuva ubu umuntu ashobora kwemeza ko igitekerezo cy'uko habayeho akagambane ko gukora itsembabwoko nkuko benshi mu itangazamakuru n'amashyirahamwe menshi aharanira uburenganzira

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[57] Kugira ngo asobanure ingorane zo kugaragaza intangamugabo y' "ubwumvikane", umushinjacyaha ahora yitabaza ingingo y'uko ububasha bwe bwagenewe urubibi rw'igihe kigufi cyane (umwaka wa 1994), urukiko rwahawe n'Inama ishinzwe umutekano, rukarubuza gushakira ibirego kure cyane, agasobanura kandi ko abacamanza bahigika ibirego kubera imyumvire ifunganye y'ayo mananiza.

[58] Igitekerezo cy'umushinjacyaha, gishingiye ku mugabo umwe, wahoze ari umuyobozi muri FPR, ngo yavuye mu ntumwa za Guverinoma y' U Rwanda zari ziyobowe na minisitiri wo muri MDR Boniface Ngurinzira mu mishyikirano ya Arusha mu Kwakira 1992 ari ukugira ngo yamagane ibintu birenze urugero zari zemereye FPR nuko avuga ko asubiye i Kigali "gutegura Umunsi w'imperuka". Nyamara kuri iyo tariki yari atarashyirwa mu ntumwa zajyaga Arusha. Ahubwo, yavuye Arusha ku itariki ya 26 Ukuboza, ahamagawe na perezida Habyarimana, n'ubwo minisitiri wari uyoboye intumwa za Guverinoma atabishakaga rwose.

[59] *Incamake y'imikirize y'urubanza, op. cit.*, p. 4. Ku gika cya nyuma cyerekeye umutangabuhamya "Jean-Pierre", ni ukureba imigereka 16 na 17 ikubiyemo intangamugabo zinyuranye z'iyo ngingo y'ingenzi y'ikirego ibisubizo urugereko rwa 1 rwahawe najenerali Dallaire mu rubanza rwa Bagosora (cyane cyane mu ibazwa ryo ku itariki ya 22 Mutarama 2004) byagaragaje ko idafite epfo na ruguru kandi hakaba nta genzura na busa ryakozwe ryakwemeza ukuri kw'ibivugwa mo.

[60] Reba inyandiko yo ku itariki ya 20 Ugushyingo 1995 yanditswe na Shaharyar M. KHAN wasimbuye Roméo Dallaire ku buyobozi bwa Minuar, Warning of Genoside to UNAMIR [Imiburo y'itsembabwoko yamenyeshejwe MINUAR] (*reba umugereka 134*).

bw'ikiremwamuntu babiririmba[61] cyabuze isoko burundu ubwo abacamanza bangaga kwemera "umugambi wo gukoresha izo ngufu kugira ngo bakore itsembabwoko". Kuba abacamanza baritaruye cyane inzira zari zisanzwe zo gufata ibyemezo bishimangira ko igihe kigeze cyo gutandukanya ku buryo bugaragara ibyiyumviro n'intangamugabo.

Ingingo ya kane ijyanye n'inyibutso ebyiri zikomeye z'ibyabaye. Abacamanza bongeye kwemeza ku mugaragaro ko itsembabwoko ryabayeho ku buryo budashidikanywa :

> "7. Birerekanwa n'intangamugabo zatanzwe muri uru rubanza ko itsembabwoko, ibyaha by'ubugome byibasiye inyokomuntu n'ibyaha by'intambara byakozwe mu Rwanda nyuma y'itariki ya 6 Mata 1994. Imibabaro yashenguye abantu n'itsembatsemba ryakozwe muri icyo kibariro byari bifite ubutumbanya butagerwa mu mizi. Ibyo byaha by'ubugome byari byibasiye cyane cyane Abatutsi b'abasivili, kimwe n'Abahutu bafatwaga nk'abashyigikiye FPR yari iyobowe n'Abatutsi cg se nk'abatavuga rumwe n'ingoma iganje bwariho[62].

Batsindagira kandi bagira bati :

> "8. Abandi bantu batari Abatutsi cg Abahutu bacisha make na bo bahuye n'imibabaro mu mwaka wa 1994. Kuburanisha urubanza mpanabyaha ntibituma umuntu ava i muzingo ibyabaye mu Rwanda byose, cyane cyane ku idosiye ifite ubutumbanya nk'ubu. Imbago z'ububasha bw'urugereko zizitirwa n'amategeko y'intangamugabo n'imigenzereze iboneye rugenderaho, kandi no kuba rutegetswe guhinira imirimo yarwo ku baregwa bane no ku ntangamugabo zihariye rwashyikirijwe muri iyi dosiye[63]."

Mu kwibutsa "indi mibabaro" itarakorewe anketi kandi ngo hagire abayihanirwa, abacamanza baremera ko hariho inkuru y'uruhande rumwe ku byabaye, inkuru abashinjacyaha batsindagiye ingereko bagunira ikirari cyazo ku itsembabwoko yakorewe Abanyarwanda b'Abatutsi gusa.

Ingingo ya nyuma irerekana ubushake budashogosha bwo kwitarura itana rya politiki ibogamye yuhirwa n'ingirwahame y' "itegurwa". Bityo, icyemezo cyo guhanaguraho Gratien Kabiligi, wagizwe jenerali wa burigade ku itariki ya 16 Mata 1994, ibyaha by'ubugome byose yari yageretsweho, birasobanura ku buryo bugaragara ko, usuzumye gihamya zitangwa n'ubushinjacyaha, kuba umuntu yari mu mwanya wo hejuru mu ngabo z'U Rwanda ubwabyo bitavuga ko yishoye mu bikorwa by'ubugizi bwa nabi. Imikirize y'urubanza irashimangira ko abagize uruhare mu byaha by'ubugome badashobora kubigereka no ku bari mu itsinda ryabo bose :

> "7. [...] Mu bakoze ibyo byaha by'ubugome habarirwamo abasirikari, abajandarume, Interahamwe n'indi mitwe y'urubyiruko, kimwe n'abaturage basanzwe. Urugereko rurerekana ariko ko intangamugabo zo muri runo rubanza n'amateko y'uru rukiko bigaragaza ko atari abantu bose bari mu matsinda amaze kuvugwa bakoze ibyaha by'ubugome[64]."

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[61] Reba cyane cyane imwe mu nyandiko ya vuba cyane Umuryango uharanira uburenganzira bw'ikiremwamuntu HUMAN RIGHTS WATCH watangaje kuri iyo ngingo : "Le génocide rwandais : comment il a été preparé [Itsembabwoko ryo mu Rwanda : uko yateguwe]", 7 Mata 2006.

[62] *Incamake y'imikirize y'urubanza, op. cit.*, p. 2.

[63] *Ibid.*

[64] *Ibid.*

Ingabo z'U Rwanda ntizari ingabo z'abajenosideri, kimwe n'uko Repubulika ya Kabiri ya Juvénal Habyarimana itari "ingoma y'Abanazi [nk'iya Hitler mu Budage]" cg ngo U Rwanda rube "igihugu cy'abafashiste [nka Mussolini mu Butariyani] guhera muri 1959", nk'uko ubungubu uruhande rwatsinze rushaka kugoreka amateka ya vuba[65].

Koko rero, nk'uko iki gitabo n'ibindi byinshi bibyerekana, nta na rumwe mu nzego zari zigize ubutegetsi bw'U Rwanda bwa mbere y'itariki ya 6 Mata rwari rwaracengewe n'umushinga w'itsembabwoko, yaba Guverinoma, ubuyobozi bukuru bw'ingabo z'igihugu, Inteko ishinga amategeko, ubutegetsi bwo mu rwego rwa perefegitura n'urwa komini, cg se amashyaka akomeye, n'irya MRND ririmo[66].

Ni yo mpamvu, nk'uko twabibonye, agatsiko k'abambari b'Akazu ka perezida bagombye kwica abanyapolitiki b'Abahutu n'ab'Abatutsi baharaniraga demokarasi, no gucecekesha abantu bose bari bashyigikiye amasezerano ya Arusha, mu gisirikari, mu butabera, mu butegetsi bwite bwa leta, mu itangazamakuru, mbere yo koreka igihugu. Intangamugabo igaragara ni iy'icyiciro cyabayeho cyo kubikumira no gucwedeka cyatumye abanyapolitiki n'abasirikari bakuru b'intagondwa bagomba kwitabaza ubwabo bwite ibikorwa bitabarika by'ubutiriganya na poropagande kugira ngo bakongeze kandi batize ingufu itsembatsemba, kugeza n'aho, mu gice cya kabiri cy'ukwezi kwa Mata, bakoresheje ingendo za Guverinoma y'agateganyo muri perefegitura zo mu majyepfo abenshi mu Batutsi bari batuyemo, kugira ngo bakange kandi bahe ibihano abayobozi b'abasivili n'ab'abasirikari bari bakomeje kwanga "gukora". Mbere y'uko bagera ku migambi yabo, abatekereje n'abashyigikiye itsembabwoko bagombye guturuka ruhande basenya inkingi ikomeye ya gahunda mbonezamubano (ubutegetsi bwite bwa leta, ubutabera, mbere na mbere) n'amasano yahuzaga amatsinda ndetse n'abantu ku giti cyabo akaba yari yarahonotse imyaka ine yose yo kurebana ay'ingwe.

## *Uko TPIR yahindutse igikoresho cya politiki*

Umuntu ashobora gutekereza mu buryo bushyize mu gaciro ko FPR yashyigikiye urukiko rwa TPIR rukiremwa ari ukugira ngo uruhande rwatsinzwe ruteshwe agaciro ku buryo budasubirwaho, no kugira ngo urukiko nirucyura

[65] Ihame ryogezwa n'abayobozi b' U Rwanda bo muri kino gihe, ndetse na perezida Kagame ubwe, ryemeza ko habayeho ingoma y'igitugu n'irondakoko kuva ubutegetsi bwose bwegurirwa abanyagihugu bashyizweho n'amatora igihe cy'ubwigenge. Iryo hame ryunganirwa n'igitekerezo cya kabiri gikomoka ku ihame rya mbere : umugambi w'itsembabwoko ushinze imizi mu iremwa ry'amashyaka y'Abahutu yarwanyaga ubutegetsi no mu ishingwa rya Repubulika. Ubushyamirane n'ubwicanyi bishingiye ku moko byo mu myaka ya 1960 na 1973 byaba byarateguzaga "umuti wa rurangiza" wo mu mwaka wa 1994. Muri icyo cyerekezo, ikibazo cy' "itegurwa" ry' itsembabwoko nta gaciro cyaba gifite, kuko amateka ya Repubulika yaba yarabaye gusa urukurikirane rw'ibihe byo kurimbura Abatutsi mu Rwanda.

[66] Nubwo abayoboke n'ibikoresho bya MRND byagize uruhare rw'ikirenga mu gushyira mu bikorwa itsembabwoko, imvugo yo kwita MRND ishyirahamwe ry'ubugome abategetsi [bashya] b'i Kigali bitwaza mu guheza mu buroko cg gukurikirana abategetsi, abakozi bakuru, ba burugumesitiri n'abaturage basanzwe baryozwa gusa ko bari abayoboke cg se abakozi [ba MRND] kandi nta kimenyetso na kimwe cy'ibyaha baba barakoze, irasa n'ishinze imizi mu muco mubi wo gusiga abantu bose icyaha ingereko za TPIR zirinda ku buryo buboneye (*reba* "The MRND is not on trial. The Chamber will have to assess the individual criminal responsibility of the Accused [Si MRND iburanishwa. Urukiko rugomba gusuzuma icyaha gatozi cy'ushinjwa]", in *Decision on Prosecution Prospective Experts Witnesses Alison Desforges, André Guichaoua and Binaifer Nowrojee*, chambre 3, TPIR, Arusha, 25 Ukwakira 2007, p. 10).

igihe, izegurirwe ibyo itashoboraga kubonera mu yandi mayira kandi mu gihe gito : ubwemerwe mbonezamico bwazatuma, ku ruhande rumwe, icana burundu n'icyiciro cy'ubucamanza badasanzwe mpuzamahanga (ubucamanza bw'urukiko rwa TPIR buyigenzura, n'Inama ishinzwe umutakano y'Umuryango w'Abibumbye iyihozaho ijisho, no ku rundi ruhande, gusubirana ubwigenge bw'ubucamanza bwayo, ibuguranye, nibura ku rwego rw'intego, guhuza urusobe rw'ubutabera bwayo bwerekeye amasezerano yasinye n'amategeko yayo bwite n'ingengo mbonera mpuzamahanga.

Mu kwitegura ifungwa ry'urukiko rwa TPIR, abategetsi b'U Rwanda basabye ububasha bwo gucira imanza mu Rwanda abakekwa bose kugira ngo ibihugu bindi byohereze mu Rwanda abakurikiranywe, bityo bakikiza amadosiye yo mu bucamanza ababangamiye. Ku bategetsi ipaji yaba ihinduwe burundu, maze FPR ikitura umutwaro w'ibyaha by'ubugome byayo bwite. N'ubwo igihe ntarengwa cy'impera z'umwaka wa 2010 cyegereje, amayeri y'amakinamayobera asa n'aho ryagize icyo rigeraho mu rwego rw'ubucamanza, ibintu si ko bimeze mu rwego rw'ubwemerwe mbonezamico. Ihagarikwa rya anketi zireba abayoboke ba FPR no kudatangaza icyo izakozwe zagezeho, kuvanaho ikurikiranwa ryemewe n'urusobe rw'Umuryango w'Abibumbye, ubwumvikane bwabaye hagati y'U Rwanda n'ibihugu ibi n'ibi mu rwego rwa diporomasi no mu rw'imigenzereze ntibisibanganya amikekwe kandi ntibikingira ikurikiranwa mu gihe kizaza. Mu ngeri ebyiri nibura, abakurikiraniye ibintu hafi benshi batekerezaga ko gupfukirana ukuri n'ubutabera byazahinduka, amaherezo, amakosa akomeye mu rwego rwa politiki. Bityo, kuba rutarashatse kwigerereza iyobera ry'igikorwa cy'iterabwoba cyo ku itariki ya 6 Mata 1994 bikomeje kuba ikimenyetso kidasibangana cy'uko ubwo bucamanza mpuzamahanga bwananiwe kuvuga ikiri ukuri, ariko ikibi kurushaho, bwananiwe gufungura amayira y'ubwiyunge bw'ibihe biri imbere.

Kuva kera, icyo gikorwa gifite umwanya wihariye mu nyandiko zishyira imbere ihange ry'ubugambanyi kandi cyahindutse ingingo y'ingenzi y'abiyemeje kurwanya FPR babona ko ari yo yakomye imbarutso y'intambara ikanatuma itsembabwoko ribaho. Ku buryo bushinze imizi, ubutoni bwo kutazigera bahanwa bwahawe, mu rwego rw'amategeko no mu ngiro, abantu bose bo mu bwoko bwatsinze n'ububasha butagira urubibi bwemerewe abareganyi byatumye FPR yigira ikinani imbere y'inkiko zose zari zitezweho kugaragaza ubutabera, ku buryo "abatsinzwe" – abo mu kinyarwanda baha izina rusange ry' "izatsinzwe[67]" – ubungubu batangiye kuvuga ko bagomba kurenganurwa. Igitangaje ni uko ubwo bucamanza bwarwaye urukebu bukareba uruhande rumwe gusa buzatera impande zombi z'abacikacumu n'abaregwa babwinubira. Icyo abantu bashobora gutinya cyane rero, ni uko politiki zo gusoza imirimo z'ubucamanza bw'inzibacyuho zishobora kugongana n'urwibuko rudashira rw'abaturage babona ko bapfunyikiwe amazi n'abandi baharabitswe ubudahwema bashobora kwanga, kubera impamvu ziri amambu, ko intambara irwanya ubudahanwa yaguranwa "ubumwe" n'umutuzo by'igihugu, kandi bagasaba ko ubucamanza bafitiye icyizere amaherezo bwahabwa ijambo.

[67] Iyi ni impine y'ibyo bita mu kinyarwanda "*ingabo zatsinzwe*".

Ishingiro ry'ibyemezo by'ubucamanza ntirishyirwaho n'iteka cg ngo bwishyireho. Rigomba kwemerwa rikanasangirwa n'abahuriye ku rukiko rumwe, aha ni ukuvuga abaturage b'U Rwanda n' "ijwi rusange ry'abaturage"[68] mu rwego mpuzamahanga. Mu kibariro kirangwamo ubwoba n'ihahamuka, n'iteranamagambo rikaze mu rwego rwa politiki n'urw'igenantekerezo, kwibanda ku itsembabwoko ntibigaragazwa gusa no guhatira abandi imbata y'ibisobanuro batibona mo, ahubwo bituma mu gicucu cyayo havukira ingeri zihishamo insanganyamatsiko zititaweho. Kwambura abantu ukwishyirukizana mu bitekerezo n'imyumvire bituma habaho icyo umuntu yakwita "isoko rya magendu" ry'ibitekerezo n'imbonezamico (nk'urugero, abahakana itsembabwoko bagahabwa urwego rw' "inshingabirindiro").

Ibyo ntibisobanura ko umurimo wakozwe n'urukiko rwa TPIR ari imburamumaro, cg se ko ibyo rwagezeho bigerwa ku mashyi. Yego, ibyerekeranye n'ukuri ntibyabonewe gihamya zifatika imfatiro ziboneye maze ntibyanagaragazwa, ndetse umuntu akaba yatekereza ko bishobora kutazigera bishyirwa ahabona bibaho, na none ku buryo buturutse ruhande. Ariko gucukumbura ku buryo bunononsoye ubuhamya bwose na za anketi byakusanyirijwe mu kigega cy'amakuru byaba bihagije kugira ngo umuntu agere ku mateka ahamye y'intambara yo mu Rwanda atarimo amacakubiri nk'ayakomeje kwamamazwa kuva intambara irangiye, kandi atabuza ko nyuma abantu bo mu bindi bihugu bazatsimbura bakayamenya umuzi n'umuhamuro. Biragaragara neza ko hari abashinjacyaha n'abacamanza batari bake bo mu rukiko rwa TPIR batashatse ko ibyaha by'intambara n'ibindi byaha by'ubugome byibasiye inyokomuntu byakozwe n'uruhande rwatsinze byakurikiranwa bikanashyikirizwa inkiko mu gihe kimwe n'iby'itsembabwoko byakozwe n'abatsinzwe. Mu guha umwanya w'ibanze kandi udasangirwa "icyaha cy'ibyaha by'ubugome" no guhora bahakana ko batabogamye, ikibara ishinga ni ugukora ibishoboka byose ngo, ari mu rwego mbonezamubano cg urwa politiki, ntihazagire utinyuka gukora ikindi kirenze ibyo kwamagana itsembabwoko ryibasiye Abanyarwanda b'Abatutsi.

Mu gukora butyo, ubwo bucamanza bwombi bwaremye icyiciro gishya cy'abantu b'indakoreka bari ku nkenke y'ibyaha by'ubugome bashinjwa. Nyamara ariko, ubutoni bw'ubudahanwa ubucamanza bwombi bwahaye indakoreka ntibuhuje kamere. Ku byerekeye inkiko za gacaca n'ubucamanza bw'igihugu busanzwe, igisobanuro cyabwo kiroroshye : ni ubucamanza butihishira, bwigaruriwe n'abanyapolitiki, bukaba bushinze Imizi mu mikorere y'igitugu FPR yatsindagiye buhoro buhoro mu zindi nzego zose z'igihugu kuva yafata ubutegetsi. Naho gutonesha ubudahanwa mu bucamanza mpuza-mahanga byo byatewe n'imyitwarire idahwitse y'abashinjacyaha uko bakurikiranye : bamwe bitwaje ko gukurikirana [FPR] bitari mu byihutirwa, abandi bagerageje kubikora bararwanya cyane, ubu ho biravugwa ko nta bimenyetso bihagije bihari. Biraboneka ko iyi mpamvu ya nyuma idateza ingorane ariko kandi ikaba ari na yo idashobora kwemerwa mu mpamvu zose zazitiye urwo rukiko [mu

[68] Nibura amashyirahamwe "mbonezamico", nk'imiryango iharanira uburenganzira bw'ikiremwamuntu ivuga mu izina ry'abaturage rusange.

gukurikirana FPR] kuko rufite intangamugabo n'inyandiko biboneye kandi byuzuye kuri iyo dosiye. Koko rero, kubera inshingano rwahawe, urwo rukiko ni rwo rushyikirizwa, ku buryo ubu cg buriya, amadosiye yose yakozwe n'abantu ku giti cyabo, amashyirahamwe n'inzego z'ubucamanza bw'ibihugu zihora zihererekanya amakuru na rwo ku buryo buhoraho. Ariko cyane cyane, urwo rukiko rwashoboye kubona raporo zose amashami y'urusobe rwa Loni yagiye akoresha, harimo ndetse n'izifite agaciro gakomeye zagizwe ubwiru cyane cyane n'Ishami rishinzwe impunzi n'Inama ishinzwe amahoro ku isi y'Umuryango w'Abibumbye zikabikwa ahantu hatagerwa kugira ngo bashimishe abategetsi b'i Kigali. "Intambara yo kwibuka" izakomeza rero, kuko umurimo wo gutazura ukuri utarangijwe n'urwego rwonyine rwari rufite manda n'ububasha byo gucira imanza abakoze ibyaha by'ubugome byose byabaye muri ubwo bushyamirane.

Mu bihe biri Imbere, uko kuyoba k'ubucamanza [mpuzamahanga] bizagerekwa ku bashinjacyaha n'Inama ishinzwe amahoro ku isi y'Umuryango w'Abibumbye; ariko nanone nta ukwiye kwibagirwa uruhare rw'abategetsi b'U Rwanda. Muri icyo cyerekezo, abantu benshi basanga umushinjacyaha wa nyuma uriho ubungubu azagira umutwaro uremereye wo kugawa bikabije n'abavugizi b' "uruhande rwatsinze" niba ibyo basaba ubu byo "kuzungura" urukiko rwa TPIR bitubahirijwe. Nk'uko byagendekeye abamubanjirije, kandi n'ubwo abategetsi b'i Kigali bakomeje kubahatira gukora amaperereza uko babishaka, "kuba indashima" kwabo byatangiye kwigaragaza mu mvugo yabo innyega : [Urugero ni] Tharcisse Karugarama wihanukiriye kuri Radiyo Rwanda ku itariki ya 18 Ukuboza 2009 ku munsi wo kongerera urugereko rw'ubujurire rwa TPIR manda yo kuzageza ku itariki ya 31 Ukuboza 2012 ati :"Urukiko rwahindutse urubuga rw'ikinamico y'amategeko". "Kuba indashima" no gusiga icyaha ni byo musingi wubakiyeho politiki y'ububanyi n'amahanga mu Rwanda.

Tutagombye kugaruka ku myifatire yo kuruma uhuha abategetsi b'U Rwanda bakomeje kugirira urukiko rwa TPIR, ku ruhande rumwe bavuga ko nta bubasha rufite, mu gihe ku rundi ruhande barusaba gukora rukurikije amabwiriza yabo, twibuke ko batigeze binjiza amategeko remezo y'urwo rukiko mu rwunge rw'amategeko y'igihugu, kandi ko ubushake bagaragaje vuba aha bwo kwegurira leta umutungo warwo rutazaba rugikoresha mu minsi itaha buri mu ngamba zabo zo kurugira igikoresho cya politiki.

Ingamba z'isozamirimo z'urwo rukiko zaracumbagiye kubera uburyarya n'ubushake buke by'abategetsi b'U Rwanda kuva rwashingwa. Koko rero, irangashingiro ry'amahame-remezo y'urukiko rwa TPIR rikomoza ku nshingano yo kongerera ubushobozi ubutabera mu Rwanda, ku buryo bubangikanye n'ishyirwaho ry'urwo rukiko[69]. Ariko amahame-remezo yirinze kugira icyo avuga ku buryo urukiko rwa TPIR rwazakorana n'izo mu Rwanda. Amahame-remezo yashoboraga kwigerezaho agateganya ko ruzaca imanza z'abakekwaho icyaha bose, agashyiraho n'ingingo zagenderwaho mu igabanamirimo, ariko ibyongibyo U Rwanda ntirwari kubyihanganira. Ni yo mpamvu, mu by'ukuri, urukiko rwa TPIR rwitaye gusa ku bakekwaho icyaha batabaga mu Rwanda, kandi

[69] "Itsindagira ko ubufatanye mpuzamahanga ari ngombwa kugira ngo inkiko n'urusobe rw'ubutabera byo mu Rwanda byongererwe imbaraga, cyane cyane kubera umubare munini w'abakekwa bazanyura muri izo nkiko… "inama ishinzwe umutekano, icyemezo 995 [1994] S/RES/955 [1994] cyo ku ya 8 Ugushyingo 1994, New York.

ubucamanza bwombi (ku ruhande rw'U Rwanda, inkiko zisanzwe n'itegekongenga ryo mu mwaka wa 1996 ndetse n'inkiko gacaca) zikaba zarabangikanye, buri rwose rwirengagiza ko urundi ruriho, hatagize n'umwe ugira igitekerezo cy'ubufatanye n'ubwuzuzanye bwashoboraga kubaho. Nta n'ubwo urwo rwego rwa Loni rwigeze rurota ibyo gusuzuma imikorere y'ubucamanza bw'U Rwanda n'uburyo abakekwaho icyaha bo mu Rwanda bafashwe, bamwe muri bo bakaba badafite "ubutoneshwe" bw'abari Arusha (uburyo bafunzwemo, uburyo bwo kuburana, ingano y'ibihano) kubera gusa ko batashoboye guhunga…

Nanone ariko ababuranira mu Rwanda hari agakeregeshwa k'amahirwe bakesha urukiko rw'Arusha, ibyo bikaba byarabaye ku buryo buziguye ariko igihugu cyari gifitemo inyungu zigaragara : ubwo havukaga ikibazo cyo kwimurira mu Rwanda abafungiwe Arusha, Kigali yavugaga ko yiteguye kwigomwa byinshi birimo kuvanaho igihano cyo kwicwa – kuvanaho icyo gihano ni ikiguzi gikomeye ku butegetsi kandi n'imfungwa zitari iz'Arusha zabyungukiyemo zose. Ibyo ntawabigereranya n'andi mategeko "adasanzwe" yatowe cg arimo gutegurwa yerekeye abaregwa n'urukiko rwa TPIR, kimwe n'ibindi bihugu, ruzimurira cg ruzohereza ku ngufu mu Rwanda. Bityo, urugero rw'amasezerano y'ubufatanye U Rwanda rwagiranye n'urukiko rwa TPIR, ateganya irangizagihano ribereye mu Rwanda, uburyo bwo gufungwa kw'abakatiwe ni kimwe n'ubusanzwe mu gihugu : nko gufungira umunyururu mu bwigunge ubuzima bwe bwose, kandi nyamara abacamanza ba Arusha barasanze icyo gihano kinyuranyije n'uburenganzira bw'ikiremwamuntu. N'ihame rya "*non bis in idem"* [ihame ry'uko nta wugomba gukurikiranwa cg gucirwa urubanza kabiri ku kirego kimwe] ryateganyijwe mu nyandiko biroroshye kuryirengagiza hitwajwe "ibikorwa bishya" bazasanga ari ngombwa kugira ngo icyo bashaka bakigereho.

Urutonde rw'ingingo zikigibwaho impaka kandi zigomba gukemurwa mbere y'uko urukiko rwa TPIR rufunga ni rurerure. Inama yo gusuzuma ibyagezweho yakorewe i Jeneve muri Nyakanga 2009[70] yarondoye zimwe mu zihutirwa cyane.Ni ngombwa kwizera ko akamaro k'ibiganiro, kubwizanya ukuri no kugira ubushishozi byaranze uwo mwitozo wo kwinegura bizakomeza kuranga abafite uruhare bose mu mirimo y'urukiko kandi ko, uko bishoboka kose, hazaboneka ibisubizo bishimishije mbere y'uko manda yarwo irangira.

[70] Conférence internationale "TPIR : modèle ou contre-modèle pour la justice pénale internationale ? Le point de vue des acteurs [TPIR : Intangarugero cg urugero rubi rw'urukiko mpanabyaha mpuzamahanga ? Uko ababifitemo uruhare babibona]", Centre international de conférences de Genève, 9-11 Nyakanga 2009. Reba inyandikomvugo y'impaka kuri http ://fr. Hirondellenews. Com et http://genevaconference-tpir.univ-paris1.fr/.