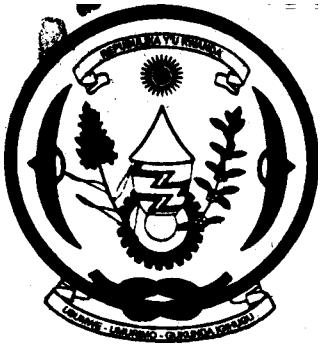
Umwaka wa 43 n° idasanzwe yo ku wa 19 Kamena 2004



Igazeti ya Leta ya Repubulika y'u Rwanda

Itegeko

N° 16/2004 ryo ku wa 19/6/2004

Itegeko Ngenga rigena imiterere, ububasha n'imikorere by'Inkiko Gacaca zishinzwe gukurikirana no gucira imanza abakoze ibyaha bya jenoside n'ibindi byaha byibasiye inyokomuntu byakozwe hagati y'itariki ya mbere Ukwakira 1990 n'iya 31 Ukuboza 1994.

ITEGEKO NGENGA N°16/2004 RYO KU WA 19/06/2004 RIGENA IMITERERE, UBUBASHA N'IMIKORERE BY'INKIKO GACACA ZISHINZWE GUKURIKIRANA NO GUCIRA IMANZA ABAKOZE IBYAHA BYA JENOSIDE N'IBINDI BYAHA BYIBASIYE INYOKOMUNTU BYAKOZWE HAGATI Y'ITARIKI YA MBERE UKWAKIRA 1990 N'IYA 31 UKUBOZA 1994

Twebwe, **KAGAME Paul,**
Perezida wa Repubulika;

INTEKO ISHINGA AMATEGEKO YEMEJE, NONE NATWE DUHAMIJE, DUTANGAJE ITEGEKO NGENGA RITEYE RITYA, KANDI DUTEGETSE KO RYANDIKWA MU IGAZETI YA LETA YA REPUBULIKA Y'U RWANDA.

Inteko Ishinga Amategeko:

Umutwe w'Abadepite, mu nama yawo yo ku wa 17 Kamena 2004;

Umutwe wa Sena, mu nama yawo yo ku wa 10 Kamena 2004;

Ishingiye ku Itegeko Nshinga rya Repubulika y'u Rwanda ryo ku wa 4 Kamena 2003 nk'uko ryavuguruwe kugeza ubu, cyane cyane mu ngingo zaryo, iya 9-1° na 2°, iya 61; iya 62, iya 88, iya 90, iya 93, iya 108, iya 118-7°, iya 152 n'iya 201;

Isubiye ku Itegeko Ngenga n°40/2000 ryo ku wa 26 Mutarama 2001 rishyiraho Inkiko Gacaca kandi rigena imitunganyirize y'ikurikirana ry'ibyaha bigize icyaha cy'itsembabwoko n'itsembatsemba cyangwa ibyaha byibasiye inyokomuntu byakozwe hagati y'itariki ya mbere Ukwakira 1990 n'iya 31 Ukuboza 1994, nk'uko ryahinduwe kandi ryujujwe kugeza ubu;

Isubiye ku Itegeko Ngenga n° 08/96 ryo ku wa 30 Kanama 1996 ryerekeye imitunganyirize y'ikurikirana ry'ibyaha bigize icyaha cy'itsembabwoko n'itsembatsemba cyangwa ibyaha byibasiye inyokomuntu byakozwe kuva ku itariki ya mbere Ukwakira 1990;

Isubiye ku Itegeko Teka n° 09/80 ryo ku wa 7 Nyakanga 1980 rishinga imitunganyirize n'ububasha by'Inkiko ryemejwe n'itegeko n° 01/82 ryo ku wa 26 Mutarama 1982 nk'uko ryahinduwe kandi ryujujwe kugeza ubu;

Isubiye ku Itegeko Teka n° 21/77 ryo ku wa 18 Kanama 1977 rishyiraho igitabo cy'amategeko ahana ibyaha mu Rwanda, nk'uko ryahinduwe kandi ryujujwe kugeza ubu;

Isubiye ku Itegeko ryo ku wa 23 Gashyantare 1963 rishinga imiburanishirize y'imanza z'inshinjabyaha nk'uko ryahinduwe kandi ryujujwe kugeza ubu;

Imaze kubona icyaha cya jenoside n'ibyaha byibasiye inyokomuntu byakozwe mu Rwanda kuva ku itariki ya mbere Ukwakira 1990 kugeza ku ya 31 Ukuboza 1994;

Imaze kubona ko ibyo byaha byakozwe ku mugaragaro, mu maso ya rubanda rwose, abaturage babibonye bakaba ari bo babihamya, bakerekana ukuri ku byabaye, kandi bakagira uruhare mu gukurikirana no gucira imanza abakekwaho kuba barabigizemo uruhare;

Imaze kubona ko gutanga ubuhamya ku byaha byakozwe ari inshingano ya buri munyarwanda ukunda igihugu cye, akaba nta wemerewe kugira impamvu iyo ari yo yose yitwaza ngo yange kuvuga ibyo yabonye;

Imaze kubona ko ibyakozwe ari ibyaha biteganywa kandi bigahanwa n'igitabo cy'amategeko ahana, bikaba kandi bigize icyaha cya jenoside n'ibindi byaha byibasiye inyokomuntu;

Imaze kubona ko icyaha cya jenoside giteganywa n'amasezerano mpuzamahanga yo ku wa 9 Ukuboza 1948 yerekeranye no gukumira no guhana icyaha cya jenoside;

Imaze kubona ko amasezerano mpuzamahanga yo ku wa 26 Ugushyingo 1968 ateganya ukudasaza kw'ibyaha by'intamabara n'ibyaha byibasiye inyokomuntu;

Imaze kubona ko u Rwanda rwemeye ayo masezerano mu Itegeko-teka n° 8/75 ryo ku wa 12 Gashyantare 1975 ryemeza kandi rihamya burundu amasezerano mpuzamahanga anyuranye yerekeranye n'uburenganzira bwa Muntu, kwamburwa intwaro, kurinda no guhana ibikorwa bishobora guhungabanya amahoro hagati y'abantu n'ibihugu, kandi rukayatangaza mu Igazeti ya Leta ya Repubulika y'u Rwanda, ariko igihe ibyo byaha byakorwaga rukaba rutari rwarateganyije ibihano byihariye byatangwa kuri ibyo byaha;

Imaze kubona ko ibyo bituma imikirize y'izo manza igomba gushingira ku gitabo cy'amategeko ahana mu Rwanda;

Imaze kubona ko ari ngombwa kurandura burundu umuco wo kudahana kugira ngo ubutabera n'ubwiyunge bishobore kugerwaho mu Rwanda, bityo bikaba ngombwa ko hashyirwaho amategeko yatuma abakoze ibyo byaha n'ibyitso byabo bakurikiranwa, bagacirwa imanza vuba, ariko hatagamijwe guhana gusa, ahubwo hanagambiriwe kongera kubaka Umuryango Nyarwanda wasenywe n'ubuyobozi bubi bwoheje abaturage kurimbura bamwe mu bawugize;

Imaze kubona ko ari ngombwa ko Umuryango Nyarwanda ari wo ubwawo ugomba kwikemurira ibibazo byatewe na jenoside n'ingaruka zayo;

Imaze kubona ko ari ngombwa gushyiraho ibihano byatuma ababihawe bikosora bakicuza ibyo byaha, bityo bakaba bahabwa uburyo bwo gusubizwa mu muryango w'abanyarwanda batabereye abandi baturage imbogamizi;

YEMEJE:

INTERURO YA MBERE : IBYEREKEYE IBYAHA BIREBWA N'IRI TEGEKO NGENGA

Ingingo ya mbere

Iri Tegeko Ngenga rigena imiterere, ububasha n'imikorere by'Inkiko Gacaca zishinzwe gukurikirana no gucira imanza abakoze ibyaha bya jenoside n'ibindi byaha byibasiye inyokomuntu byakozwe hagati y'itariki ya mbere Ukwakira 1990 n'iya 31 Ukuboza 1994, cyangwa ibyaha biteganywa mu gitabo cy'amategeko ahana ibyaha mu Rwanda, ariko hakurikijwe ibisobanuro by'ubushinjacyaha cyangwa by'abashinja uregwa kimwe n'ibyo ushinjwa yiyemerera, bikaba bifitanye isano n'ibikorwa byakozwe bigambiriye jenoside cyangwa byibasiye inyokomuntu.

Ingingo ya 2

Abantu bakurikiranyweho kuba barakoze cyangwa barafatanije gukora ibyaha bituma bashyirwa mu rwego rwa kabiri n'urwa gatatu nk'uko bisobanuye mu ngingo ya 51 y'iri Tegeko Ngenga, baburanishwa n'Inkiko Gacaca ziteganyijwe mu nteruro ya II y'iri Tegeko Ngenga. Inkiko Gacaca zikurikiza ingingo zikubiye muri iri Tegeko Ngenga

Abantu bakurikiranyweho kuba barakoze ibyaha bituma bashyirwa mu rwego rwa mbere nk'uko bisobanuye mu ngingo ya 51 y'iri Tegeko Ngenga, baburanishwa n'inkiko zisanzwe, zikurikiza amategeko asanzwe agenga iburanisha, haseguriwe ibyihariye biteganywa n'iri Tegeko Ngenga.

Ku byerekeye ikiburanwa, hakurikizwa gusa ibiteganwa n'iri Tegeko Ngenga.

Abantu bavugwa mu bika bibanziriza iki baburanishwa n'inkiko zivugwa muri ibyo bika, kabone n'iyo abo bakoranye ibyaha baba bakurikiranywe n'inkiko zitandukanye n'izibaburanisha. Icyo gihe ahubwo abo bakoranye ibyaha bashobora guhamagazwa ngo batange ubuhamya muri urwo rubanza.

INTERURO YA II: IBYEREKEYE ISHYIRWAHO, IMITUNGANYIRIZE N'UBUBASHA BY'INKIKO GACACA N'IMIKORANIRE N'IZINDI NZEGO

UMUTWE WA MBERE : IBYEREKEYE ISHYIRWAHO N'IMITUNGANYIRIZE BY'INKIKO GACACA

ICYICIRO CYA MBERE: IBYEREKEYE ISHYIRWAHO N'IFASI

Ingingo ya 3

Hashyizweho Urukiko Gacaca rw'Akagari muri buri Kagari, Urukiko Gacaca rw'Umurenge n'Urukiko Gacaca rw'Ubujurire muri buri Murenge bya Repubulika y'u Rwanda. Izo Nkiko ziburanisha mu buryo buteganyijwe n'iri Tegeko Ngenga imanza z'ibyaha bya jenoside cyangwa ibindi byaha byibasiye inyokomuntu byakozwe hagati y'itariki ya mbere Ukwakira 1990 n'iya 31 Ukuboza 1994.

Ingingo ya 4 : .

Haseguriwe ibivugwa mu gika cya kabiri n'icya gatatu by'ingingo ya 6 y'iri Tegeko: Ngenga:

1° ifasi y'Urukiko Gacaca rw'Akagari ni Akagari;
2° ifasi y'Urukiko Gacaca rw'Umurenge ni Umurenge;
3° ifasi y'Urukiko Gacaca rw'Ubujurire ni Umurenge.

ICYICIRO CYA II: IBYEREKEYE INZEGO Z'INKIKO GACACA

Akiciro ka mbere: Ibyerekeye ingingo rusange:

Ingingo ya 5

Urukiko Gacaca rw'Akagari rugizwe n'Inama Rusange, Inteko y'Urukiko Gacaca n'Inama Mpuzabikorwa.

Urukiko Gacaca rw'Umurenge kimwe n'Urukiko Gacaca rw'Ubujurire rugizwe n'Inama Rusange y'Umurenge, Inteko y'Urukiko n'Inama Mpuzabikorwa.

Urwego rufite ububasha bwo gushyiraho abagize Inteko y'Urukiko cyangwa urufite ububasha bwo gushyiraho abagize Inama Mpuzabikorwa ni na rwo rufite ububasha bwo kubasimbura.

Akiciro ka 2: Ibyerekeye Inama Rusange

Ingingo ya 6:

Inama Rusange y'Urukiko Gacaca rw'Akagari igizwe n'abaturage bose baba muri ako Kagari, bujuje nibura imyaka cumi n'umunani (18) y'amavuko.

Iyo bigaragaye ko umubare w'ababa mu Kagari bagejeje ku myaka cumi n'umunani (18) y'amavuko cyangwa bayirengeje utageze kuri magana abiri (200), ako Kagari gashobora guhuzwa n'akandi Kagari biri mu Murenge umwe, bigakora Urukiko Gacaca rumwe rw'Akagari. Ni na ko bigenda iyo bigaragaye ko umubare w'Inyangamugayo uvugwa mu ngingo ya 8 y'iri tegeko ngenga udashoboye kugerwaho. Utugari twakomatanyijwe twongera gutora abantu b'Inyangamugayo.

Mu gihe Utugari dukomatanyijwe ntidushobore kubona umubare w'Inyangamugayo wa ngombwa, kandi muri uwo Murenge nta tundi Tugari turimo, utwo Tugari dukomatanywa n'Akagari k'Umurenge byegeranye. Umurenge twari tugize na wo ukomatanywa n'Umurenge ako Kagari bikomatanyijwe karimo.

Icyemezo cyo gushyira Akagari mu ifasi y'Urukiko Kagari gifatwa n' Urwego rw'Igihugu rushinzwe gukurikirana, kugenzura no guhuza ibikorwa by'Inkiko Gacaca rubyibwirije cyangwa rubisabwe n'Umuyobozi w'Akarere cyangwa Uw'Umujyi, bikamenyeshwa Umukuru w'Intara cyangwa Umuyobozi w'Umujyi wa Kigali.

Ingingo ya 7:

Inama Rusange y'Umurenge igizwe n'abagize:

1 ° Inteko z' Inkiko Gacaca z'Utugari tugize uwo Murenge;
2° Inteko y'Urukiko Gacaca rw'Umurenge;
3° Inteko y'Urukiko Gacaca rw'Ubujurire.

Akiciro ka 3: Ibyerekeye Inteko y'Urukiko Gacaca

Ingingo ya 8:

Buri Nteko y'Urukiko Gacaca igizwe n'abantu icyenda (9) b'Inyangamugayo, kandi ikagira abasimbura batanu (5).

Ingingo ya 9:

Mbere yo gutangira imirimo ye, ugize Inteko y'Urukiko Gacaca agomba kurahira imbere y'Inama Rusange muri aya magambo:

Jyewe .... ndahiriye u Rwànda ku mugaragaro :

1° ko nzakorana umurava imirimo nshinzwe,
2° ko ntazahemukira Repubulika y'u Rwanda;
3° ko nzakurikiza Itegeko Nshinga n'andi mategeko ;
4° ko nzihatira gushimangira ubumwe bw'Abanyarwanda ;
5° ko nzubahiriza mbikuye ku mutima inshingano yo guhagararira Abanyarwanda nta vangura iryo ari ryo *ryose ;*
6° ko ntazigera nkoresha ububasha nahawe mu nyungu zanjye bwite,
7° ko nzaharanira iyubahirizwa ry'ubwigenge: n 'uburenganzira bw'ibanze bwa muntu n'ibyagirira akamaro Abanyarwanda bose.

Nintatira iyi ndahiro, nzabihanirwe n'amategeko.

Imana ibimfashemo »

Ingingo ya 10:

Ugize Inteko y'Urukiko Gacaca ntiyemerewe kuburanisha cyangwa gufata ibyemezo mu rubanza rumureba cyangwa rukurikiranywemo :

1° uwo bashakanye;
2° umubyeyi, sekuru na nyirakuru; abavandimwe, abana, abuzukuru be cyangwa b'uwo, bashakanye;
3° ba se wabo, ba nyina wabo, ba nyiranune na ba nyirasenge, ababyara, bene se wabo na bene nyina wabo;
4° uwo bafitanye urwango rukomeye;
5° uwo bafitanye ubucuti bukomeye ;
6° uwo ashinzwe kurera cyangwa amurera bya kibyeyi ;
7° n'undi bafitanye isano yabangamira ubwigenge bw'Inyangamugayo.

Muri icyo gihe yivana mu rubanza, atabikora umuntu wese uzi ko iyo miziro iriho, abimenyesha Inteko mbere y'uko urubanza ruburanishwa mu mizi yarwo, igahita ifata ibyemezo cyo kumukuramo. Icyakora, uvuyemo muri ubwo buryo, yemerewe gutanga ubuhamya, ashinja cyangwa ashinjura.

Akiciro ka 4: Ibyerekeye Inama Mpuzabikorwa

Ingingo ya 11:

Abagize Inteko y'Urukiko Gacaca bitoramo, ku bwiganze burunduye bw'amajwi, Inama Mpuzabikorwa igizwe Perezida, Visi Perezida wa mbere, Visi Perezida wa kabiri, n'abanditsi babiri, bose bagomba kuba bazi gusoma no kwandika neza Ikinyarwanda.
Abagize Inama Mpuzabikorwa batorerwa igihe cy'umwaka umwe (1) gishobora kongerwa.

Abanyamabanga b'Inkiko Gacaca bashinzwe ubwanditsi n'imirimo y'ubunyamabanga byazo.

Ingingo ya 12:

Inama Mpuzabikorwa ifite inshingano zikurikira:

1° gutumiza, kuyobora inama no guhuza imirimo y'Inteko y'Urukiko Gacaca;
2° kwandika ibirego, ubuhamya n'ibimenyetso, byatanzwe n'abaturage;
3° kwakira dosiye z'abashinjwa baburanira mu Nkiko Gacaca ;
4° kwandika ubujurire bwakozwe ku manza z'Inkiko Gacaca ;
5° kohereza mu Rukiko Gacaca rw'Ubujurire, amadosiye y'imanza zajuririwe ;
6° kwandika ibyemezo byafashwe n'inzego z'Urukiko Gacaca ;
7° gufatanya n'izindi nzego mu gashyira mu bikorwa ibyemezo by'Urukiko Gacaca.

ICYICIRO CYA III: IBYEREKEYE ABAGIZE INZEGO Z'INKIKO GACACA

Ingingo ya 13:

Inama Rusange y'Urukiko Gacaca rw'Akagari yitoramo Inyangamugayo icyenda (9) zigize Inteko yarwo n'abasimbura batanu (5).

Inama Rusange y'Umurenge yitoramo Inyangamugayo icyenda (9) zigize Inteko y'Urukiko rw'Ubujurire n'abasimbura batanu (5) n'inyangamugayo icyenda (9) zigize Inteko y'Urukiko rw'Umurenge n'abasimbura batanu (5).

Amatora y'inyangamugayo z'Inkiko Gacaca ategurwa kandi akayoborwa na Komisiyo y'Igihugu y'Amatora.

Iteka rya Perezida wa Repubulika rishyiraho amabwiriza ya ngombwa yerekeye amatora y'abagize inzego z'Inkiko Gacaca.

Ingingo ya 14:

Abagize inteko z'Inkiko Gacaca ni Abanyarwanda inyangamugayo batowe n'Inama Rusange z'Utugari batuyemo.

Inyangamugayo ni umunyarwanda urangwa n'ibi bikurikira:

1° kuba ataragize uruhare muri jenoside ;
2° kutarangwa n'amacakubiri;
3° kuba atarakatiwe burundu igihano cy'igifungo kigeze ku mezi atandatu (6) nibura;
4° kuba indakemwa mu mico no mu myifatire ;
5° kuba umunyakuri ;
6° kwanga guhemuka ;
7° kutangana abandi ijambo.

Umuntu wese w'Inyangamugayo ufite nibura imyaka makumyabiri n'umwe (21) kandi utazitiwe n'imwe mu miziro iteganyijwe n'iri Tegeko Ngenga, ashobora gutorerwa kujya mu nzego z'Inkiko Gacàca, nta vangura na rimwe nk'iryaba rishingiye ku gitsina, ku nkomoko, ku idini, ku bitekerezo bigaragajwe cyangwa ku misumbanire y'imïbereho y'abantu.

Ingingo ya 15:

Ntashobora gutorerwa kuba ugize Inteko y'Urukiko Gacaca:

1° umuntu ukora umurimo wa politiki
2° umuyobozi w'Ubutegetsi bwa Leta ;
3° umusirikare cyangwa umupolisi ukiri mu kazi ;
4° umucamanza w'umwuga
5° umuntu uri mu buyobozi bw'umutwe wa politiki.

Uko kutemererwa gutorwa kuvaho ku muntu weguye kuri iyo mirimo bikemerwa.

Abayobozi bavugwa mu gace ka kabiri k'igika cya mbere cy'iyi ngingo' ni Umukuru w'Intara, umuyobozi w'Umujyi wa Kigali, abandi bagize Komite Nyobozi y'Umujyi wa Kigali, iy'Umujyi cyangwa iy'Akarere, Abagize Akanama k'Ubutegetsi na Politiki ku rwego rw'Umurenge n'urw'Akagari.

Ntashobora gutora inyangamugayo cyangwa gutorerwa kubayo, umuntu uri ku, monde rw'abakekwaho ibyaha cya jenoside. Icyakora abakoze ibyaha ku mutungo gusa bashobora gutora.

Ingingo ya 16:

Umuntu wese watorewe kuba mu bagize inzego z'Inkiko Gacaca, asimburwa mu gihe agaragaweho imwe mu mpamvu zikurikira:

1° gusiba inama z'inzego z'Inkiko Gacaca inshuro eshatu (3) zikurikirana kandi nta mpamvu zumvikana yatanze ;
2° guhamwa n'icyaha gihanishwa igihano cy'igifungo kigeze ku mezi atandatu (6) nibura;
3° gukurura amacakubiri ;
4° gukora akazi karebana n'umwe mu mirimo ivugwa mu ngingo ya 15 y'iri Tegeko Ngenga, cyangwa gukora umurimo ushobora kumubangamira mu ikurikirana ry'imirimo y'inzego z'Inkiko Gacaca ;
5° kugira indwara yamubuza gukurikirana imirimo y'inzego z'Inkiko Gacaca;
6° gukora igikorwa icyo ari cyose gituma atakwitwa Inyangamugayo ;
7° kwegura ku bwende bwe ;
8° urupfu.

Icyemezo cyo kwirukana uwasibye inama z'inzego z'Inkiko Gacaca inshuro eshatu (3) zikurikirana nta mpamvu zemewe, uwakuruye amacakubiri hamwe n'uwakoze igikorwa gituma atakwitwa inyangamugayo, gifatwa mu nyandiko n'abagize Inteko y'urukiko Gacaca imaze kugisha inama Rusange y'Akagari akomokamo. Uwo wirukanywe agayirwa imbere y'Inama Rusange kandi ntashohora kongera gutorerwa kuba inyangamugayo.

Izindi mpamvu zivugwa muri iyi ngingo, zituma ugize urwego rw'Urukiko Gacaca asimburwa, zemezwa n'urwo rwego.

ICYICIRO CYA IV: IBYEREKEYE IMIKORERE Y'INZEGO Z'INKIKO GACACA

Ingingo ya 17:

Inama Rusange y'Urukiko Gacaca rw'Akagari, iterana mu nama yayo isanzwe rimwe mu cyumweru, ikanaterana mu nama nsuzumabikorwa buri mezi atatu, n'igihe cyose bibaye ngombwa.

Itumizwa kandi ikanayoborwa na Perezida w'Inama Mpuzabikorwa abyibwirije cyangwa abisabwe na kimwe cya gatatu (1/3) cy'abagize Inteko y'urukiko Gacaca.

Iyo Perezida agize impamvu cyangwa yanze gutumiza inama, Inama Rusange itumizwa n'umwe mu bamwungirije.

Ingingo ya 18:

Inama Rusange y'Urukiko Gacaca rw'Akagari iterana ku buryo bwemewe n'amategeko iyo yitabiriwe nibura n'abantu ijana (100) mu bayigize.

Ingingo ya 19:

Inama Rusange y'Umurenge iterana rimwe mu mezi atatu mu nama yayo isanzwe, n'igihe cyose bibaye ngombwa mu nama yayo idasanzwe.

Itumizwa kandi ikayoborwa na Perezida w'Urukiko Gacaca rw'Ubujurire, abyibwirije cyangwa abisabwe na kimwe cya kane (1/4) cy'abayigize, Perezida w'Urukiko Gacaca rw'Umurenge akayibera Visi-Perezida.

Iyo Perezida cyangwa Visi-Perezida w'Inama Rusange y'Umurenge adashoboye cyangwa yanze gutumiza Inama Rusange, itumizwa n'inyangamugayo iruta izindi mu myaka y'amavuko, bisabwe na kimwe cya kane (1/4) cy'abayigize. Inyangamugayo zayitabiriye zitoramo uyiyobora.

Ingingo ya 20:

Inama Rusange y'Umurenge iterana ku buryo bwemewe n'amategeko iyo yitabiriwe nibura na bibiri bya gatatu (2/3) by'abayigize.

Ingingo ya 21:

Inkiko Gacaca ziburanisha mu ruhame, keretse habayeho umuhezo wemejwe n'Urukiko Gacaca cyangwa iyo hari uwusabye kandi ukemezwa n'urubanza ruciwe, igihe babona ko byatera imidugararo cyangwa byabangamira umuco mbonezabupfura. Impaka z'abacamanza igihe bafata ibyemezo, zikorwa mu ibanga.

Ingingo ya 22:

Mu Rukiko Gacaca rw'Akagari, isaha n'umunsi w'inama byemezwa n'Inama Rusange. Mu zindi Nkiko Gacaca isaha n'umunsi w'inama byemezwa n'abagize Inteko, bikamenyeshwa abaturage.

Ingingo ya 23

Inteko y'Urukiko Gacaca iterana ku buryo bwemewe iyo hari nibura abantu barindwi (7) mu bayigize.

Iyo uwo mubare utagezeho kubera ko hari abasibye, inama irasubikwa.

Iyo uwo mubare utagezeho kandi badashobora kongera kuboneka ku mpamvu zitandukanye, wuzuzwa n'abasimbura.

Iyo uwo mubare utuzuye biturutse ku bwihane cyangwa ku kwiheza bya bamwe mu bagize Inteko, wuzuzwa n'abasimbura kugeza igihe umwanzuro ufatiwe, cyangwa urubanza rurangiye kuburanishwa.

Iyo abagize Inteko bose bihanwe cyangwa biheje, hiyambazwa inyangamugayo z'Inteko y'Urukiko Gacaca ruri hafi kandi ruhuje ububasha n'urwihanwe, kugeza igihe umwanzuro ufatiwe, cyangwa urubanza rwarangiye kuburanishwa.

Ibyo ntibibuza izo Nyangamugayo zaturutse ahandi gukomeza imirimo yazo mu Rukiko zisanzwemo. Urukiko rwihanwe cyangwa rwiheje cyangwa undi wese ubifitemo inyungu babimenyesha bikimara kuba Urwego rw'Igihugu rushinzwe gukurikirana, kugenzura no guhuza ibikorwa by'Inkiko Gacaca rugahitamo urukiko gacaca rushobora gutirwamo inyangamugayo.

Ingingo ya 24:

Ibyemezo by'Inteko y'Urukiko Gacaca bifatwa ku bwumvikane, bitashoboka bigafatwa ku bwiganze burunduye bw'amajwi y'abayigize.

Iyo ubwiganze burunduye butabonetse, amatora asubirwamo ariko buri Nyangamugayo igize Inteko y'Urukiko Gacaca ikagomba guhitamo kimwe mu bitekerezo bibiri byari byahawe amajwi menshi.

Ingingo ya 25

Imanza zigomba gusobanura impamvu z'imikirize yazo. Zishyirwaho umukono cyangwa igikumwe n'abagize Inteko y'Urukiko Gacaca bose baziburanishije bakanazica.

Ingingo ya 26

Igihe cyose zisanze ari ngombwa, Inkiko Gacaca zishobora kwiyambaza impuguke mu byerekeye amategeko, zagenwe n'Urwego rw'Igihugu rushinzwe gukurikirana, kugenzura no guhuza ibikorwa by'Inkiko Gacaca.

Ingingo ya 27:

Inama Mpuzabikorwa y'Urukiko Gacaca iterana igihe bibaye ngombwa, ihamagawe na Perezida wayo, abyibwirije cyangwa abisabwe nibura n'abantu babiri (2) mu bayigize.
Iyo Perezida agize impamvu ituma adatumiza Inama Mpuzabikorwa, itumizwa n'umwe mu bamwungirije.

Ingingo ya 28:

Kugira ngo Inama Mpuzabikorwa iterane ku buryo bwemewe, igomba kuba yitabiriwe nibura n'abantu batatu (3) mu bàyigize.

Ingingo ya 29:

Kwitabira imirimo y'Inkiko Gacaca ni itegeko kuri buri munyarwanda.

Umuntu wese udatanze cyangwa wanze gutanga ubuhamya ku byo yabonye cyangwa azi, kimwe n'ubeshye mu buhamya atanze, akurikiranwa n'Urukiko Gacaca rumutahuye. Ahanishwa igihano cy'igifungo cyo kuva ku mezi atatu (3) kugeza ku mezi atandatu (6). Iyo habaye isubiracyaha, uregwa ahanishwa igihano cy'igifungo cyo kuva ku mezi atandatu (6) kugeza ku mwaka umwe (1).

Afatwa nk'udatanze ubuhamya ku byo yabonye cyangwa azi umuntu wese bigaragaye ko yari afite ibyo azi ku kibazo nunaka abandi bagaragaje, ahari akicecekera ntagire icyo abivugaho.

Afatwa nk'uwanze gutanga ubuhamya:

1° Umuntu wese ugize icyo abazwa mu Rukiko bizwi ko hari ubuhamya afite cyangwa bikaza kugaragara ko yari abufite, akanga kugira icyo atangaza, yicecekera cyangwa yirengagiza nkana gusubiza ikibazo yabajijwe;

2° umuntu wese wahamagajwe mu Rukiko ntiyitabe nkana, nta mpamvu, kugirango atagira ibyo abazwa kandi bigaragara ko yabimenyeshejwe.

Afatwa nk'uwabeshye, umuntu watanze ubuhamya yemeza ko ibyo avuga ari ukuri, ko abifitiye ibimenyetso, akabirahirira kandi akabisinyira, bikaza kugaragara ko ibyo yavuze atari ukuri kandi ko yabigize nkana.

Icyaha cyo kubeshya gikurikiranwa mu gihe cy'iburanisha nyir'izina ry'urubanza nyir'ugukurikiranwa yatanzemo ubuhamya, biramutse bitahuwe ko umuntu yabeshye nkana.

Ingingo ya 30:

Umuntu wese ushyize cyangwa ugaragaje gushyira agahato cyangwa ibikangisho, ku batangabuhamya cyangwa ku bagize Inteko y'Urukiko Gacaca ahanishwa igihano cy'igifungo cyo kuva ku mezi atatu (3) kugeza ku mwaka umwe (1). Iyo habaye isubiracyaha, uregwa ahanishwa igihano cy'igifungo cyo kuva ku mezi atandatu (6) kugeza ku myaka ibiri (2).

Bifatwa nko gushyira agahato ku Rukiko, ikintu cyose kigamije gukoresha urukiko ibyo rutagambiriye bigaragarira mu bikorwa, mu magambo cyangwa mu myitwarire itera ubwoba inteko kandi bigaragara ko inteko itabyubahirije, bamwe mu bayigize cyangwa yose bishobora kuyiviramo kugirirwa nabi. Ariko iyo iryo terabwoba rishyizwe mu bikorwa, hakurikizwa amategeko ahana ibyaha n'ay'imiburanishirize y'imanza z'inshinjabyaha asanzwe kandi mu nkiko zisanzwe.

Bifatwa nko kugerageza gushyira agahato ku rukiko, imyifatire iyo ari yo yose, mu magambo cyangwa mu bikorwa, igaragaza ko habayeho gushaka gushyira agahato ku Rukiko ngo rufate icyemezo mu buryo ubu n'ubu.

Bifatwa nko gushyira ibikangisho ku Rukiko cyangwa ku batangabuhamya, imvugo cyangwa ibikorwa bitera ubwoba abatangabuhamya cyangwa abagize Inteko y'Urukiko Gacaca bigamije ko icyifuzo cy'uyikoresheje aricyo cyubahirizwa byanze bikunze.

Bifatwa nko kugerageza gushyira ibikangisho ku rukiko cyangwa ku batangabuhamya: imvugo cyangwa ibikorwa biboneka ko bigamije gushaka gutera ubwoba abatangabuhamya cyangwa abagize inteko y'Urukiko Gacaca bigamije ko icyifuzo cy'uyikoresheje aricyo cyubahirizwa.

Ingingo ya 31:

Imanza ziciwe hakurikijwe ingingo ya 29 n'iya 30 z'iri Tegeko Ngenga zishobora gusubirishwamo no kujuririrwa hakurikijwe uburyo buteganywa n' iri Tegeko Ngenga

Ingingo ya 32:

Inteko y'Urukiko Gacaca rwabereyemo ibyaha byavuzwe mu ngingo ya 29 n'iya 30 z'iri Tegeko Ngenga ihagarika imirimo y'urukiko, ikiherera, igasuzuma niba ari icyaha kigomba gukurikiranwa hashingiwe kuri izi ngingo. Iyo isanze icyaha kigomba gukurikiranwa, itangaza umunsi urubanza ruzaburanishirizwaho kandi ukamenyeshwa uregwa, bikandikwa mu ikayi y'ibikorwa, imirimo y'urukiko ikabona gukomeza.

Iyo icyaha gikorewe hanze y'Urukiko, nyir'ugukorerwa ibyaha ashobora kurega mu nyandiko cyangwa mu nama rusange. Iyo abigaragarije mu nama rusange, ikibazo kirandikwa kigashyirwa ku murongo w'ibyigwa mu nama ikurikiyeho.

Iyo Perezida yabyandikiwe, abishyikiriza umwanditsi akabishyira mu ikayi y'ibikorwa, akandika utanze ikirego, impamvu, itariki agitangiyeho n'itariki Perezida acyakiriyeho. Iyo bimaze kwandikwa, Perezida abimenyesha Inama Rusange, bakumvikana ku itariki icyo kirego cyazasuzumirwaho.

Umunsi w'iburanisha, Perezida asuzuma ko umubare wa ngombwa w'Inyangamugayo wuzuye, ko umuburanyi ahari n'abatangabuhamya iyo bahari, umwirondoro wabo ukandikwa, yarangiza akibutsa ibyo itegeko riteganya, agasoma ikirego, agaha ijambo uwarezwe akiregura agatanga n'abatangabuhamya.

Iyo bamaze kuvuga, Perezida aha ijambo abatangabuhamya bashinja n'undi wese ushaka ijambo mu nama rusange, agasaba uregwa kugira icyo abivugaho, barangiza inteko ikiherera igafata umwanzuro. Urwo rubanza rwandikwa mu ikayi y'ibikorwa maze abagize inteko bose bagasinya.

Iyo inteko ifashe umwanzuro wo gufunga, yuzuza icyemezo cyo gufata no gufunga, ikagishyikiriza uhagarariye urwego rw'umutekano uri hafi cyangwa uhagarariye Urwego

rw'Igihugu rushinzwe gukurikirana ibikorwa by'Inkiko Gacaca ngo abishyikirize inzego zishinzwe gufata no gufunga.

Ntibashobora gufungwa by'agateganyo abantu bakurikiranyweho ibyaha bivugwa mu ngingo ya 29 n' iya 30 z'iri Tegeko Ngenga, usibye abantu bavugwa mu ngingo ya 30, iyo bakurikiranywe n'Ubushinjacyaha.

ICYICIRO CYA V : IBYEREKEYE INSHINGANO Z'INKIKO GACACA

Akiciro ka mbere : Ibyerekeye inshingano z'inzego z'Urukiko Gacaca rw'Akagari

Ingingo ya 33:

Inama Rusange y'Urukiko Gacaca rw'Akagari ifite inshingano zikurikira:

1° gutora abagize Inteko y'Urukiko Gacaca rw'Akagari no gutora abasimbura;

2° gukurikirana, ku batatorewe ku myanya y'Inteko y'Urukiko Gacaca, imirimo y'Urukiko Gacaca rw'Akagari, bagafata ijambo barisabye ;

3° gufasha Inteko y'Urukiko Gacaca rw'Akagari gukora urutonde rw'abantu:

a. batuye mu Kagari;
b. batuye mu Kagari mbere ya jenoside, aho bagize bimukira n'inzira banyuzemo ;
c. biciwe mu Kagari bari batuyemo ;
d. biciwe hanze y'Akagari bari batuyemo;
e. biciwe mu Kagari batari basanzwe bahatuye;
f. bahohotewe n'ibyabo byangijwe ;
g. bagize uruhare mu byaha bivugwa muri iri Tegeko Ngenga.

4° gutanga ibimenyetso n'ubuhamya ku bantu bose bakekwaho icyaha cya jenoside no ku bandi bayigizemo uruhare;

5° gusuzuma no kwemeza raporo y'imirimo yakozwe n'Urukiko Gacaca.

Abaturage bose bagize Akagari bagomba gusobanura ukuntu ibintu byagenze cyane cyane aho bari batuye, bakabitangira n'ibimenyetso, bavuga ababigizemo uruhare n'abahohotewe.

Ingingo ya 34:

Inteko y'Urukiko Gacaca rw'Akagari ifite inshingano zikurikira:

1° ibifashijwemo n'Inama Rusange, gukora urutonde rw'abantu:
a. batuye mu Kagari
b. bari batuye mu Kagari mbere ya jenoside, aho bagize bimukira n'inzira banyuzemo ;
c. biciwe mu Kagari bari batuyemo ;

d. biciwe hanze y'Akagari bari batuyemo ;
e. biciwe mu Kagari batari basanzwe bahatuye;
f. bahohotewe n'ibyabo byangijwe ;
g. bagize uruhare mu byaha bivugwa muri iri Tegeko Ngenga ;

2° kwakira ukwirega, ukwemera icyaha, ukwicuza n'ugusaba imbabazi kw'abagize uruhare muri jenoside;

3° kwegeranya amadosiye yose avuye mu bushinjacyaha ;

4° kwakira ibimenyetso, ubuhamya n'andi makuru yerekana uko jenoside yateguwe n'uko yashyizwe mu bikorwa;
5° gukora iperereza ku buhamya ;
6° gushyira abaregwa mu nzego nk'uko biteganyijwe muri iri Tegeko Ngenga ;
7° kuburanisha no guca imanza z'abashinjwa ibyaha bibashyira mu rwego rwa gatatu ;
8° gufata ibyemezo ku birebana no kuvanwa mu Nteko kw'abayigize ;
9° kohereza mu Rukiko Gacaca rw'Umurenge amadosiye y'abashinjwa bo mu rwego rwa kabiri ;
10° kohereza Ubushinjacyaha amadosiye y'abashinjwa bashyizwe mu rwego rwa mbere ;
11° gutora abagize Inama Mpuzabikorwa.

Uwahohotewe uvugwa mu gace ka 1° f ni umuntu wese wiciwe, washakishijwe ngo yicwe ariko ntibigerweho, wangirijwe imyanya ndangabitsina, wasambanyijwe ku gahato, wakomerekejwe cyangwa akagirirwa urundi rugomo, wasahuwe, wasenyewe cyangwa akangirizwa umutungo ku bundi buryo, azira ubwoko bwe cyangwa ibitekerezo bidashyigikiye jenoside.

Akiciro ka 2 : Ibyerekeye inshingano z'Urukiko Gacaca rw'Umurenge n'iz'Urukiko Gacaca rw'Ubujurire

Ingingo ya 35:

Inama Rusange y'Umurenge ifite inshingano zikurikira :

1° kugenzura imikorere y'Inkiko Gacaca zose ziri mu Murenge nta kwivanga mu mikirize y'imanza ; . ..

2° gusimbura myangamugayo z'Urukiko Gacaca rw'Umurenge n'iz'Urukiko Gacaca rw'Ubujurire ;

3° kwakira no gukemura ibibazo by'imikorere y'Inkiko Gacaca biterekeranye no guca imanza ;

4° gukorera raporo Urwego rw'Igihugu rushinzwe gukurikirana, kugenzura no guhuza ibikorwa by'Inkiko Gacaca no kurugira inama".

Ingingo ya 36:

Inteko y'Urukiko Gacaca rw'Umurenge ifite inshingano zikurikira:

1° gukora iperereza mu gihe bibaye ngombwa ku buhamya bwatanzwe ;

2° kwakira ukwirega, ukwemera icyaha, ukwicuza n'ugusaba imbabazi kw'abagize uruhare muri jenoside;

3° gufata ibyemezo ku birebana no kuvanwa mu rubanza kw'abayigize;

4° kuburanisha no guca imanza ifitiye ububasha hakurikijwe iri Tegeko Ngenga, ibanje gusuzuma niba abashinjwa yashyikirijwe barashyizwe mu nzego zihuje n'ibyaha bakurikiranyweho, kandi yasanga bari mu rwego rwa mbere bagashyikirizwa Ubushinjacyaha ;

5° gusuzuma ubujurire bw'imanza zaciwe n'Inkiko Gacaca z'Akagari ;

6° gutora abagize Inama Mpuzabikorwa.

Ingingo ya 37:

Inteko y'Urukiko Gacaca rw'Ubujurire ifite inshingano zikurikira:

1° gukora iperereza mu gihe bibaye ngombwa ku buhamya bwatanzwe ;

2° gufata ibyemezo ku birebana no kuvanwa mu rubanza kw'abayigize;

3° kuburanisha no guca imanza ifitiye ububasha hakurikijwe iri Tegeko Ngenga, ibanje gusuzuma niba abashinjwa yashyikirijwe barashyizwe mu nzego zihuje n'ibyaha bakurikiranyweho, kandi yasanga bari mu rwego rwa mbere bagashyikirizwa Ubushinjacyaha ;

4° gusuzuma ubujurire bw'imanza zaciwe n'Urukiko Gacaca rw'Umurenge ;

5° gutora abagize Inama Mpuzabikorwa.

Ingingo ya 38

Ku byerekeranye n'ibyaha byo gusambanya ku gahato cyangwa kwangiza imyanya ndangabitsina, uwahohotewe yihitiramo mu bagize Inteko y'Urukiko Gacaca rw'Akagari inyangamugayo imwe cyangwa nyinshi ashyikiriza ikirego cye, cyangwa akagitanga mu buryo bwanditse. Iyo ntawe yizeye mu bagize Inteko, agishyikiriza mu ibanga inzego z'ubugenzacyaha cyangwa iz'ubushinjacyaha.

Mu gihe uwahohotewe yapfuye cyangwa atagifite ubushobozi bwo kurega, icyo kirego gishobora gutangwa mu ibanga n'uwo bireba wese, mu buryo buteganywa mu gika kibanziriza iki.

Inyangamugayo ishyikirijwe bene icyo kirego igishyikiriza mu ibanga Ubushinjacyaha kugira ngo bukomeze iperereza.

Ntibyemewe kwirega icyo cyaha mu ruhame. Nta n'uwemerewe kukirega undi mu ruhame. Imihango yose y'iburanisha ry'icyo cyaha ikorwa mu muhezo.

UMUTWE WA II : IBYEREKEYE UBUBASHA BW'INKIKO GACACA

Ingingo ya 39

Inkiko Gacaca zifite ububasha bw'Inkiko zisanzwe bwo gucira imanza abakurikiranyweho ibyaha, zishingiye ku buhamya bw'abashinja n'abashinjura, n'ibindi bimenyetso byatangwa.

Zishobora:

1° guhamagara umuntu uwo ari wese mu rubanza ;

2° gutegeka no gukora isaka ry'ushinjwa. Iryo saka rigomba kubahiriza umutungo w'ushinjwa n'uburenganzira bwa muntu ;

3° gufata ibyemezo bishingana by'agateganyo umutungo w'abakurikiranyweho ibyaha bya jenoside ;

4° gutanga ibihano no gutegeka uwahamwe n'ibyaha kwishyura ;

5° gutegeka irekurwa ry'imitungo yafatiriwe y'abatahamwe n'ibyaha ;

6° gukurikirana no guhana abateza imidugararo mu rukiko ;

7° guhamagara Ubushinjacyaha ku madosiye bwakoreye iperereza ngo butange ibisobanuro mu gihe bibaye ngombwa;

8° kohererereza abakekwaho ibyaha inyandiko zibahamagara no gutegeka ko bafungwa cyangwa bafungurwa by'agateganyo, igihe cyose bibaye ngombwa.

Ingingo ya 40:

Urwego rw'Igihugu rushinzwe gukurikirana, kugenzura no guhuza ibikorwa by'Inkiko Gacaca, rubyibwirije cyangwa rubisabwe n'Inteko y'Urukiko Gacaca ikibazo kireba cyangwa undi wese bibangamiye, rushyiraho amabwiriza agena uburyo bwo gukemura impaka zerekeye ububasha bw'Inkiko Gacaca rukanakurikirana ishyirwa mu bikorwa ryayo.

ICYICIRO CYA MBERE : IBYEREKEYE UBUBASHA BUSHINGIYE KU KIBURANWA

Akiciro ka mbere : ibyerekeye Urukiko Gacaca rw'Akagari

Ingingo ya 41:

Urukiko Gacaca rw'Akagari ruburanisha ubwa mbere n'ubwa nyuma imanza z'abakurikiranyweho gusa ibyaha byerekeranye n'umutungo. Ruburanisha kandi imanza zisubirishamo izo rwaciye abashinjwa badahari.

Urukiko Gacaca rw'Akagari rushyira mu nzego abashinjwa bakekwaho kuba barakoze ibyaha biteganywa mu ngingo ya mbere n'iya 51 z"iri Tegeko Ngenga.

Akiciro ka 2 : Ibyerekeye Urukiko Gacaca rw'Umurenge

Ingingo ya 42:

Urukiko Gacaca rw'Umurenge ruburanisha bwa mbere imanza z'abantu bakoze ibyaha bibashyira mu rwego rwa kabiri n'izisubirishamo izo rwaciye abashinjwa badahari.

Ruburanisha kandi ubujurire bw'imanza ku byaha biteganyijwe mu ngingo ya 29 n'iya 30 z'iri Tegeko Ngenga n'ubw'ibindi byemezo byafashwe n'Urukiko Gacaca rw'Akagari.

Akiciro ka 3 : Ibyerekeye Urukiko Gacaca rw'Ubujurire.

Ingingo ya 43

Urukiko Gacaca rw'Ubujurire ruburanisha imanza zaciwe bwa mbere n'Urukiko Gacaca rw'Umurenge.

Ruburanisha kandi imanza zisubirishamo izo rwaciye abashinjwa badahari.

ICYICIRO CYA II : IBYEREKEYE UBUBASHA BUSHINGIYE KU IFASI

Ingingo ya 44:

Urukiko Gacaca rw'aho icyaha cyakorewe ni rwo rufite ububasha bwo kuburanisha urubanza rw'icyo cyaha.

Abantu bakoreye ibyaha ahantu hatandukanye, bakurikiranwa n'Inkiko Gacaca zibifitiye ububasha, hakurikijwe ibivugwa mu gika cya mbere cy'iyi ngingo.

Ingingo ya 45

Iyo muri dosiye igomba gushyikirizwa Urukiko Gacaca hakurikijwe ingingo ya 47 y'iri Tegeko Ngenga, bigaragara ko ushinjwa yakoreye ibyaha ahantu henshi, ubushinjacyaha bwohererereza dosiye ye buri Rukiko rw'Akagari yakoreyemo ibyaha.

UMUTWE WA III: IBYEREKEYE IMIKORANIRE Y' INKIKO GACACA N'IZINDI NZEGO

ICYICIRO CYA MBERE: IBYEREKEYE IMIKORANIRE Y'UBUSHINJACYAHA N'INKIKO GACACA

Ingingo ya 46:

Inzego z'Ubushinjacyaha zikomeza inshingano zazo zo kwakira ibirego no gukora iperereza ku byerekeranye n'ibyaha bivugwa muri iri Tegeko Ngenga.

Icyakora, mbere yo gukora iryo perereza, izo nzego zibanza kumenya niba Urukiko Gacaca rutaraciye cyangwa rutaratangiye gusuzuma izo manza kugira ngo rudakora akazi katari ngombwa.

Amadosiye Inzego z'Ubushinjacyaha zirangije gukora mu buryo buteganyijwe mu gika cya mbere cy'iyi ngingo, yohererezwa Urukiko Gacaca rw'Akagari rubifitiye ububasha.

Ingingo ya 47:

Amadosiye yose Ubushinjacyaha bwari butarashyikiriza inkiko zari zibifitiye ububasha ku itariki ya 15 Werurwe 2001, yoherezwa mu Rukiko Gacaca rw' Akagari rw' aho buri cyaha cyakorewe kugira ngo rushyire abaregwa mu nzego.

Inzego z'Ubushinjacyaha zikomeza gushyikiriza inkiko Gacaca z'Utugari cyangwa urukiko rushinzwe kuburanisha abashinjwa, ibimenyetso by'abaregwa mu madosiye yose zakozeho iperereza.

Iyo Urukiko Gacaca rw'Akagari rwashyize uregwa mu rwego, rwarangije kohererereza dosiye urukiko rufite ububasha bwo kuyiburanisha rutaragezwaho dosiye y'ubushinjacyaha, urwego rw'ubushinjacyaha bireba bwohererereza ibimenyetso

bwegeranyije Urukiko Gacaca rw'Akagari, bukagenera kopi Urukiko Gacaca rufite ububasha bwo kuyiburanisha.

Iyo muri dosiye bigaragara ko ushinjwa yakoze ibyaha byo gusambanya ku gahato cyangwa kwangiza imyanya ndangabitsina, Ubushinjacyaha ntibushyikiriza dosiye ye Urukiko Gacaca rw'Akagari.

Ingingo ya 48

Umushinjacyaha Mukuru wa Repubulika agenzura imirimo y'inzego z'ubushinjacyaha mu birebana n'imanza zivugwa muri iri Tegeko Ngenga.

ICYICIRO CYA II : IMIKORANIRE Y'INZEGO Z'UBUTEGETSI N'INKIKO GACACA

Ingingo ya 49:

Abayobozi b'inzego z'ubutegetsi Inkiko Gacaca zikoreramo bazigenera aho zikorera, bakanashishikariza abaturage kuzitabira. Bakurikiranira hafi imikorere y'Inkiko Gacaca bakanazigezaho ibya ngombwa zikeneye, bafatanyije n'Urwego rw'Igihugu rushinzwe gukurikirana, kugenzura no guhuza ibikorwa by'Inkiko Gacaca.

ICYICIRO CYA II : IMIKORANIRE Y'INKIKO GACACA N'URWEGO RW'IGIHUGU RUSHINZWE GUKURIKIRANA, KUGENZURA NO GUHUZA IBIKORWA BY'INKIKO GACACA

Ingingo ya 50:

Urwego rw'Igihugu rushinzwe gukurikirana, kugenzura no guhuza ibikorwa by'Inkiko Gacaca, rukurikirana, rukagenzura kandi rugahuza ibikorwa by'Inkiko Gacaca mu Gihugu.

Rushyiraho kandi amabwiriza ajyanye n'imikorere myiza y'Inkiko Gacaca, kimwe n'imyitwarire y'Inyangamugayo, ariko ntirwemerewe gutegeka izo nkiko uburyo zica imanza.

INTERURO YA III: IBYEREKEYE IKURIKIRANA RY'IBYAHA N'IMIBURANISHIRIZE Y'IMANZA

UMUTWE WA MBERE: IBYEREKEYE ABAKURIKIRANWA

Ingingo ya 51:

Hakurikijwe ibikorwa bigaragaza uruhare rwe mu gukora ibyaha biteganywa n'ingingo ya mbere y'iri Tegeko Ngenga, byakozwe hagati y'itariki ya mbere Ukwakira 1990 n'iya 31 Ukuboza 1994, ushinjwa ashobora gushyirwa mu nzego zikurikira:

Urwego rwa mbere:

1° umuntu wakoze ibyaha cyangwa ibikorwa by'ubufatanyacyaha bimushyira mu bacuze umugambi, abawuteguye; abawushishikarije abandi, abagenzuye n'abayoboye jenoside cyangwa ibindi byaha byibasiye inyokomuntu, hamwe n'ibyitso bye;

2° umuntu wari icyo gihe mu nzego z'ubuyobozi: mu rwego rw'Igihugu, urwa Perefegitura, urwa Superefegitura n'urwa Komini, mu mashyaka ya politiki, mu Gisirikare, muri Jandarumori, Polisi ya Komini, mu madini cyangwa mu mitwe yitwara gisirikari ku buryo butemewe n'amategeko, akaba yarakoze ibyo byaha cyangwa akoshya abandi kubikora, hamwe n'ibyitso bye;

3° umwicanyi ruharwa wamamaye aho yari ari cyangwa aho yanyuze kubera umwete yagize mu bwicanyi cyangwa ubugome bukabije yabukoranye, hamwe n'ibyitso bye;

4° umuntu wakoreye abandi ibikorwa by'iyicarubozo, kabone n'iyo byaba bitarabaviriyemo gupfa, hamwe n'ibyitso bye;

5° umuntu wasambanyije undi ku gahato cyangwa wangije imyanya ndangabitsina, hamwe n'ibyitso bye;

6° umuntu wakoze ibikorwa by'ubushinyaguzi ku murambo, hamwe n'ibyitso bye.

Umushinjacyaha Mukuru wa Repubulika atangaza nibura kabiri mu mwaka urutonde rw'amazina y'abashyizwe mu rwego rwa mbere, yashyikirijwe n'Inkiko Gacaca z'Utugari.

Urwego rwa kabiri:

1° umuntu wakoze ibyaha cyangwa ibikorwa by'ubufatanyacyaha bimushyira mu mubare wabishe cyangwa wagiriye abandi nabi bikabaviramo gupfa, hamwe n'ibyitso bye;

2° Umuntu wakomerekeje cyangwa wagiriye abandi nabi agambiriye kubica ariko umugambi we ntawugereho, hamwe n'ibyitso bye;

3° Umuntu wakoze cyangwa wafashije gukora ibindi byaha byakorewe abantu, atagambiriye kubica, hamwe n'ibyitso bye.

Urwego rwa gatatu:

Umuntu wakoze gusa ibyaha byerekeranye n'umutungo. Icyakora, iyo uwangije n'uwangirijwe bumvikanye ubwabo cyangwa bakabikora imbere y'ubutegetsi cyangwa y'abatangabuhamya, mbere y'uko iri Tegeko ngenga ritangira gukurikizwa, uwangije ntakurikiranwa.

Ingingo ya 52:

Abari abayobozi mu nzego za Segiteri na Serire igihe cya jenoside bashyirwa mu rwego ibyaha bakoze bibashyiramo, ariko kuba bari abayobozi bigatuma bahabwa igihano kiri hejuru muri urwo rwego.

Ingingo ya 53:

Mu ikurikizwa ry'iri Tegeko Ngenga, icyitso ni umuntu watanze inkunga mu gukora icyaha, mu buryo ubwo ari bwo bwose, ku bantu bavugwa mu ngingo ya 51 y'iri Tegeko Ngenga.

Kuba igikorwa icyo ari cyo cyose cyateganyijwe n'iri Tegeko Ngenga cyarakozwe n'uyoborwa ntibibuza umuyobozi we kuryozwa icyaha cyakozwe mu gihe yari azi cyangwa yashoboraga kumenya ko uwo ategeka yari yiteguye gukora icyo cyaha cyangwa yagikoze, umuyobozi we ntabe yarafashe ibyemezo bikwiye kugira ngo abakoze icyaha bahanwe cyangwa abuze icyo cyaha gukorwa kandi yari abishoboye.

UMUTWE WA II: IBYEREKEYE UKWIREGA, UKWEMERA ICYAHA, UKWICUZA N'UGUSABA IMBABAZI

ICYICIRO CYA MBERE: IBYEREKEYE KWEMERA UKWIREGA, UKWEMERA ICYAHA, UKWICUZA N'UGUSÀBA IMBABAZI N'IBYA NGOMBWA BISABWA

Ingingo ya 54:

Umuntu wese wakoze ibyaha bivugwa mu ngingo ya mbere y'iri Tegeko Ngenga yemerewe ukwirega, ukwemera icyaha, ukwicuza n'ugusaba imbabazi.

Imbabazi zisabwa mu ruhame abakorewe ibyaha iyo bakiriho n'Umuryango Nyarwanda.

Kugira ngo ukwirega, ukwemera icyaha, ukwicuza n'ugusaba imbabazi byemerwe, uwirega agomba:

1° gusobanura mu buryo burambuye icyaha yirega, uko yagikoze, aho yagikoreye, igihe yagikoreye, abatangabuhamya babibonye, abo yagikoreye n'aho yajugunye imirambo yabo hamwe n'ibyo yononnye;

2° kuvuga abo bakoranye icyaha, abakimufashijemo n'ibindi byafasha mu ikurikiranacyaha;

3° kwicuza no gusaba imbabazi z'ibyaha yakoze.

Ingingo ya 55:

Abakoze jenoside bo mu rwego rwa mbere bireze, bakemera icyaha, bakicuza, bagasaba imbabazi ku byaha bakoze, amazina yabo atarashyirwa ku rutonde rukorwa n'Urukiko Gacaca rw'Akagari bagabanyirizwa ibihano mu buryo iri Tegeko Ngenga rigena.

Ingingo ya 56:

Abantu bo mu rwego rwa kabiri bagabanyirizwa ibihano mu buryo iri Tegeko Ngenga rigena ni:

1° abireze, bakemera icyaha, bakicuza, bagasaba imbabazi mbere y'uko Urukiko Gacaca rw'Akagari rurangiza gukora urutonde rugaragaza abagize uruhare muri jenoside;

2° abari kuri urwo rutonde bakemera icyaha, bakicuza, bagasaba imbabazi nyuma yo gukora urutonde rugaragaza uruhare muri jenoside.

Ingingo ya 57:

Iyo uwireze agaragaweho ibyaha atireze, igihe icyo ari cyo cyose bimubonekeyeho, abikurikiranwaho kandi bikamushyirisha mu rwego rukwiranye na byo, agahanishwa igihano kiri hejuru mu biteganyirijwe abari muri urwo rwego.

ICYICIRO CYA II: IBYEREKEYE UKO UKWIREGA, UKWEMERA ICYAHA, UKWICUZA N'UGUSABA IMBABAZI BIKORWA

Ingingo ya 58:

Ukwirega, ukwemera icyaha, ukwicuza n'ugusaba imbabazi bikorerwa imbere y'Inteko y'Urukiko Gacaca, imbere y'Umugenzacyaha cyangwa imbere y'Umushinjacyaha ushinzwe iperereza ry'urubanza hakurikijwe ingingo ya 46 y'iri Tegeko Ngenga.

Inteko y'Urukiko Gacaca, umugenzacyaha cyangwa umushinjacyaha ushinzwe iperereza ry'urubanza bagomba kumenyesha uregwa uburenganzira n'inyungu avana mu kwirega, kwemera icyaha, kwicuza no gusaba imbabazi.

Akiciro ka mbere: Ibyerekeye ukwirega, ukwemera icyaha, ukwicuza n'ugusaba imbabazi imbere y'Umugenzacyaha cyangwa imbere y'Umushinjacyaha

Ingingo ya 59:

Ku madosiye atarashyikirizwa Inkiko Gacaca z'Utugari, ubugenzacyaha cyangwa Ubushinjacyaha bwakira ukwirega, ukwemera icyaha, ukwicuza n'ugusaba imbabazi. Ibivuzwe mu kwirega, kwemera icyaha, kwicuza no gusaba imbabazi byakirwa kandi bikandikwa n'Umugenzacyaha cyangwa Umushinjacyaha. Iyo bikozwe mu nyandiko, Umugenzacyaha cyangwa Umushinjacyaha asaba uwireze kubyemeza.

Inyandikomvugo ikubiyemo ibyavuzwe mu kwirega, kwemera icyaha, kwicuza no gusaba imbabazi cyangwa ibyerekeranye no guhamya ibyemewe, ndetse n'inyandikomvugo ikubiyemo ukwirega iyo ihari, zishyirwaho umukono cyangwa igikumwe na nyir'ubwite imbere y'Umugenzacyaha cyangwa Umushinjacyaha wabyakiriye. Umugenzacyaha cyangwa Umushinjacyaha ashyira umukono we ku nyandikomvugo.

Ingingo ya 60

Iyo Umushinjacyaha asanze ukwirega, ukwemera icyaha; ukwicuza n'ugusaba imbabazi byujuje ibyangombwa biteganyijwe, akora inyandikomvugo ikubiyemo ibyo uwireze yavuze; agasoza idosiye, akayoherereza Urukiko Gacaca rw'Akagari rubifitiye ububasha.

Iyo asanze ukwirega, ukwemera icyaha, ukwicuza n'ugusaba imbabazi bitujuje ibyangombwa bisabwa, cyangwa iperereza ryakozwe ryerekanye ko uwireze, akemera icyaha, akicuza akanasaba imbabazi yabeshye, abikorera inyandiko isobanura ibyo abona biburamo, agasoza idosiye, akayoherereza Urukiko Gacaca rw'Akagari rubifitiye ububasha.

Urukiko Gacaca rw'Akagari rugenzura niba ukwirega, ukwemera icyaha, ukwicuza n'ugusaba imbabazi kwakorewe imbere y'umugenzacyaha cyangwa imbere y'umushinjacyaha kuzuye, rukemera uko kwirega cyangwa rukakwanga.

Ingingo ya 61:

Inyandikomvugo ikubiyemo ukwirega, ukwemera icyaha, ukwicuza n'ugusaba imbabazi yakozwe n'Umushinjacyaha cyangwa Umugenzacyaha mu buryo buteganywa n'ingingo ya 59 n'iya 60 z'iri Tegeko Ngenga yohererezwa Urukiko Gacaca rw'Akagari rw'aho icyaha cyakorewe, igasomerwa mu ruhame, iyo uwireze afite inzitizi ntarengwa zimubuza kwiyizira ngo asabe imbabazi mu ruhame.

Akiciro ka 2: Ibyerekeye ukwirega, ukwemera icyaha, ukwicuza n'ugusaba imbabazi mu Nkiko Gacaca

Ingingo ya 62:

Abakoze ibyaha bya jenoside bashobora kwirega, kwemera icyaha, kwicuza no gusaba imbabazi imbere y'Inteko y'Urukiko Gacaca.

Bitabangamiye ibiteganywa n'igika cya kabiri cy'ingingo, ya 54 y'iri Tegeko Ngenga, abirega, bakemera icyaha, bakicuza, bagasaba imbabazi babikora mu ijambo basabye cyangwa mu nyandiko bashyizeho umukono cyangwa bateyeho igikumwe.

Ingingo ya 63:

Ukwirega, ukwemera icyaha, ukwicuza n'ugusaba imbabazi bikorerwa inyandikomvugo n'umunyamabanga w'Urukiko Gacaca, igashyirwaho umukono cyangwa igikumwe n'uwireze akemera icyaha agasaba imbabazi, hamwe n'abagize Inteko y'Urukiko Gacaca..

Inteko y'Urukiko Gacaca isuzuma niba ukwirega, ukwemera icyaha, ukwicuza n'ugusaba imbabazi byujuje ibya ngombwa biteganyijwe, kandi niba ibyavuzwe ari ukuri.

UMUTWE WA III: IBYEREKEYE IBURANISHA N'ICIBWA RY'URUBANZA

ICYICIRO CYA MBERE: IBYEREKEYE IBURANISHA N'ICIBWA RY'URUBANZA MU NKIKO GACACA Z'UMURENGE N'IZ'UBUJURIRE

Ingingo ya 64:

Iyo habaye ukwirega, ukwemera icyaha, ukwicuza n'ugusaba imbabazi bikemerwa, urubanza ruburanishwa mu buryo bukurikira:

1° Perezida Wiburanisha avuga urubanza rugiye kuburanishwa, agahamagara abarukurikiranywemo;

2° ushinjwa wese avuga umwirondoro we;

3° Perezida w'iburanisha abaza uwahohotewe umwirondoro we;

4° umunyamabanga w'Urukiko amenyesha ushinjwa buri cyaha aregwa, agasoma n'inyandiko ikubiyemo ibyo uwireze yavuze;

5° Perezida w'iburanisha abaza ushinjwa wese niba hari icyo abivugaho ;

6° umuntu wese ubyifuza agahabwa ijambo agashinja cyangwa agashinjura ukurikiranywe; ushinjwa agasubiza ibyo abajijwe, Umuntu wese ufashe ijambo kugira ngo atange ubuhamya bw'ibyo azi cyangwa yabonye, arahirira kuvuga ukuri ashyize ukuboko kw'iburyo hejuru agira ati: "Ntanze Imana ho umuhamya ko ibyo, ngiye kuvuga ari ukuri"; .

7° uwahohotewe avuga ibyaha yakorewe n'uburyo byakozwe, iyo abizi;

8° ushinjwa, niba ahari, akagira icyo avuga ku byavuzwe n'uwahohotewe;

9° Inteko y'Urukiko Gacaca ikora urutonde rw'abahohotewe n'ibyaha buri wese yakorewe, ushinjwa agahabwa ijambo kugira ngo agire icyo abivugaho ;

10^{0} Umunyamabanga w'Urukiko asoma inyandikomvugo y'iburanisha, Urukiko rukareba niba ibyanditswe bihuje n'ibyavuzwe, byaba ngombwa iyo nyandiko igakosorwa;

11^{0} Inteko ibaza uwahohotewe n'ushinjwa icyo bongera ku rubanza;

12° ababuranyi n'abandi bose bahawe ijambo mu rubanza hamwe n'abagize Inteko y'Urukiko Gacaca bashyira umukono cyangwa bagatera igikumwe ku nyandikomvugo iriho ibyo ushinjwa yireze;

13° iburanisha rigasozwa, keretse iyo Urukiko rusanze ari ngombwa kurisubika kugira ngo rugiye ibyo rubanza gusuzuma.

Ingingo ya 65:

Ku madosiye atagaragaramo ukwirega, ukwemera icyaha n'ugusaba imbabazi cyangwa iyo byakozwe ntibyemerwe n'Urukiko Gacaca, iburanisha rikorwa mu buryo bukurikira:

1° Perezida w'iburanisha avuga urubanza rugiye kuburanishwa, agahamagara abarukurikiranywemo;

2° ushinjwa wese avuga umwirondoro we;

3° Perezida w'iburanisha abaza uwahohotewe umwirondoro we;

4° umunyamabanga w'Urukiko amenyesha ushinjwa buri cyaha aregwa;

5° Perezida w'Urukiko Gacaca asomera abakurikiranywe ingingo ya 54, iya 55 n'iya 57 z'iri Tegeko Ngenga kugira ngo basobanukirwe n'uburyo bwo kwirega, kwemera icyaha no gusaba imbabazi, akababaza niba bashaka kubukoresha. Abifuza kwirega, kwemera icyaha, kwicuza no gusaba imbabazi, basabwa guhita birega maze urubanza rugakomeza kuburanishwa mu buryo buteganyirizwa abireze, bakemera icyaha, bakicuza bagasaba imbabazi. Abadashaka kwirega, kwemera icyaha, kwicuza no gusaba imbabazi bakomeza kuburanishwa mu buryo bukurikira:

a) Perezida w'iburanisha avuga mu magambo make imiterere y'urubanza, agasoma n'ibimenyetso byatanzwe bihamya ibyo ushinjwa akurikiranyweho;

b) Perezida w'iburanisha asaba ushinjwa wese kwisobanura;

c) Urukiko rwumva abatangabuhamya bashinja cyangwa bashinjura ukurikiranywe, kandi byaba ngombwa, rukumva ibimenyetso by'Ubushinjacyaha igihe bwahamagawe mu rubanza. Umuntu wese ufashe ijambo kugira ngo atange ubuhamya bw'ibyo azi cyangwa yabonye, arahira kuvuga ukuri ashyize ukuboko kw'iburyo hejuru agira ati : " Ntanze Imana ho umuhamya ko ibyo ngiye kuvnga ari ukuri

d) ushinjwa akiregura;

e) umuntu wese ubyifuza, agahabwa ijambo; ushinjwa agasubiza ibyo abajijwe;

f) Inteko y'Urukiko Gacaca ikora urutonde rw'abahohotewe n'ibyaha buri wese yakorewe, ushinjwa agahabwa ijambo kugirango agire icyo abivugaho ;

g) Umunyamabanga w'Urukiko asoma inyandikomvugo y'iburanisha, Urukiko rukareba niba ibyanditswe bihuje n'ibyavuzwe, byaba ngombwa iyo nyandiko igakosorwa;

h) inteko abaza uwahohotewe n'ushinjwa icyo bongera ku rubanza;

i) ababuranyi n'abandi bose bahawe ijambo mu rubanza hamwe n'abagize Inteko y'Urukiko Gacaca bashyira umukono cyangwa bagatera igikumwe ku nyandikomvugo y'iburanisha;

j) iburanisha rigasozwa, keretse iyo Urukiko rusanze ari ngombwa gusubika urubanza kugira ngo rugire ibyo rubanza gusuzuma.

Ingingo ya 66:

Ku madosiye y'abakurikiranywe badafite aho batuye cyangwa babarizwa hazwi mu Rwanda bavugwa mu ngingo ya 98 y'iri Tegeko Ngenga, iburanisha rikorwa mu buryo bukurikira:

1° Perezida w'iburanisha avuga urubanza rugiye kuburanishwa, agahamagara abarukurikiranywemo;

2° Iyo asanze bitabye, urubanza rukomeza kuburanishwa mu buryo buteganywa n'ingingo ya 65 y'iri Tegeko Ngenga. Iyo bamwe bitabye abandi batitabye, abahari baburana hakurikijwe ibiteganywa mu ngingo ya 65 y'iri Tegeko Ngenga. Ku badahari, kimwe n'iyo nta witabye, iburanisha rikomeza mu buryo bukurikira:

a. Perezida w'iburanisha abaza uwahohotewe umwirondoro we;

b. Umunyamabanga w'Urukiko akavuga buri cyaha ushinjwa aregwa;

c. Perezida aburanisha avuga mu magambo make imiterere y'urubanza, agasoma n'ibimenyetso byatanzwe bihamya ibyo ushinjwa akurikiranyweho;

d. Urukiko rwumva abatangabuhamya kandi byaba ngombwa, rugahabwa ibimenyetso by'Ubushinjacyaha igihe bwahamagawe mu rubanza;

e. umuntu wese ubyifuza abisabye, agahabwa ijambo;

f. uwahohotewe avuga ibyaha yakorewe n'uburyo byakozwe;

g. Inteko y'Urukiko Gacaca ikora urutonde rw'abahohotewe n'ibyaha buri wese yakorewe;

h. Umunyamabanga w'Urukiko asoma inyandikomvugo y'iburanisha, Urukiko rukareba niba ibyanditswe bihuje n'ibyavuzwe, byaba ngombwa ïyo nyandiko igakosorwa;

i. Inteko ibaza uwahohotewe icyo yongera ku rubanza;

j. ababuranyi n'abandi bose bahawe ijambo mu rubanza hamwe n'abagize Inteko y'Urukiko Gacaca bashyira umukono cyangwa bagatera igikumwe ku nyandikomvugo y'iburanisha;

k. iburanisha rigasozwa, keretse iyo Urukiko rusanze ari ngombwa gusubika urubanza kugira ngo rugire ibyo rubanza gusuzuma.

Ku byerekeye isomwa, imenyesha, ubujurire n'isubirishamo ry'urubanza rwaciwe muri ubwo buryo, hakurikizwa ibiteganyirijwe imanza zaciwe abashinjwa badahari.

Ingingo ya 67:

Urubanza ruciwe n'Urukiko Gocaca rw'Umurenge n'urw'Ubujurire rugaragaza ibi bikurikira:

1° urukiko rwaruciye;

2° amazina y'abagize Inteko barufashemo icyemezo;

3° umwirondoro w’ababuranyi;

4° buri cyaha ushinjwa aregwa;

5° ingingo zatanzwe n'ababuranyi;

6° impamvu Inyangamugayo zashingiyeho zica urubanza;

7° buri cyaha ushinjwa yahamijwe n'urukiko;

8° ibihano byemejwe n'Urukiko;

9° umwirondoro w'abahohotewe n'urutonde rw'ibyaha bakorewe;

10° niba ababuranyi bari bahari cyangwa batari bahari;

11° niba rwaraburanishirijwe kandi rugasomerwa mu ruhame;

12° umunsi n'aho rwaciriwe;

13° ingingo z'iri Tegeko Ngenga zashingiweho mu ikiza ryarwo,

14° igihe cyateganyirijwe ijurira.

ICYICIRO CYA II: IBYEREKEYE IBURANISHA N'ICIBWA RY'URUBANZA MU RUKIKO GACACA RW'AKAGARI

Ingingo ya 68: '

Ku madosiye arebana n'ibyaha by'umutungo, iburanisha rikorwa mu buryo bukurikira:

1° Perezida w'iburanisha avuga urugo rurebwa n'urubanza rugiye kuburanishwa;

2° Perezida w'iburanisha yibutsa umutungo w'urwo rugo wononwe wamenyekanye yifashishije ifishi y'abahohotewe n'ibyabo byangijwe;

3° Perezida w'iburanisha aha ijambo buri wese wifuza kugira icyo yongera ku byanditswe kuri iyo fishi;

4° Inteko yemeza urutonde rw'ibyononwe;

5° Perezida w'iburanisha yibutsa amazina y'abagize uruhare mu iyononwa ry'umutungo w'urwo rugo, yifashishije urutonde rw'abaregwa;

6° ushinjwa wese avuga umwirondoro we;

7° Perezida w'iburanisha abaza uhagarariye urugo rwononewe umutungo cyangwa undi wese ubifitemo inyungu umwirondoro we;

8° umwanditsi w'Urukiko avuga buri kintu mu byononwe n'ababigizemo uruhare;

9° Perezida w'iburanisha asaba buri wese mu baregwa gutanga ibisobanuro ku byo aregwa no kwiregura;

10° Perezida w'iburanisha asaba uhagarariye urugo n'undi wese ubishaka kugira icyo avuga ku byo uwiregura avuze;

11° Inteko y'Urukiko Gacaca yemeza urutonde rw'abahohotewe, ibyononwe n'ababigizemo uruhare, ushinjwa wese agahabwa ijambo kugirango agire icyo abivugaho ;

12° Inteko y'Urukiko isobanurira abategetswe kuriha uburyo bwo kuriha buteganywa n'iri Tegeko Ngenga, ikabaza buri wese ubwo yahitamo n'igihe yakwishyurira aramutse atsinzwe;

13° Umunyamabanga w'Urukiko asoma inyandikomvugo y'iburanisha, Urukiko rukareba niba ibyanditswe bihuje n'ibyavuzwe, byaba ngombwa iyo nyandiko igakosorwa;

14° Inteko ibaza uwahohotewe n'uregwa icyo bongera ku rubanza;

15° Ababuranyi n'abandi bose bahawe ijambo mu rubanza hamwe n'abagize Inteko y'Urukiko Gacaca bashyira umukono cyangwa bagatera igikumwe ku nyandikomvugo y'iburanisha;

16° Iburanisha rigasozwa, keretse iyo Urukiko rusanze ari ngombwa gusubika urubanza kugira ngo rugire ibyo rubanza gusuzuma.

Ingingo ya 69:

Urubanza ruciwe n'Urukiko Gacaca rw'Akagari ku byaha by'umutungo rugaragaza ibi bikurikira:

1° urukiko rwaruciye;

2° amazina y'abagize Inteko barufashemo icyemezo;

3° umwirondoro w'ababuranyi;

4° umutungo wononwe usabwa kurihwa;

5° ingingo zatanzwe n'ababuranyi;

6° impamvu Inyangamugayo zashingiyeho mu icibwa ry'urubanza;

7° umutungo wononwe ugomba kurihwa n'abategetswe kuwuriha;

8° umwirondoro w'abononewe n'urutonde rw'ibyo buri wese yononewe;

9° uburyo n'igihe ugomba kurihwa;

10^0 niba ababuranyi bahari cyangwa batari bahari;

11^0 niba rwaraburanishirijwe kandi rugasomerwa mu ruhame;

12^0 umunsi n'aho rwaciriwe;

13^0 ingingo z'iri tegeko ngenga zashingweho mu ikiza ryarwo;

Ingingo ya 70:

Iyo iburanisha rirangiye, cyangwa bibaye ngombwa gufata icyemezo icyo ari cyo cyose, Inteko iriherera igafata umwanzuro uwo munsi cyangwa bucyeye bwaho.

Urubanza cyangwa umwanzuro wafashwe bisomwa mu ruhame, mu nama cyangwa mu iburanisha rikurikiyeho, mbere yo gutangira iyo nama cyangwa iburanisha.

ICYICIRO CYA III: IBYEREKEYE AMATEGEKO NDINDAMVURURU MU IBURANISHA

Ingingo ya 71:

Iburanisha rigomba gukorwa mu ituze. Ufashe ijambo wese agomba kurangwa n'ikinyabupfura mu mvugo, mu myifatire no migirire imbere y'Inyangamugayo, ababuranyi, abatangabuhamya n'abakurikirana urubanza muri rusange.

Perezida w'iburanisha ashobora kwambura ijambo umuntu wese utubahirije uburyo bwo gufata ijambo atamwuka inabi cyangwa ngo amuhutaze ku bundi buryo.

Iyo bibaye ngombwa Perezida w'iburanisha ashobora kwihanangiriza ugaragayeho guteza umudugararo mu Rukiko, kumwirukana cyangwa kumufunga kitarenze amasaha mirongo ine n'umunani (48) ukurikije uburemere bw'ikosa ryakozwe. Icyo icyaha gikozwe ari icyaha cy'urugomo Inteko ishyikiriza ugikoze inzego z'umutekano, agakurikiranwa hakurikijwe amategeko asanzwe.

UMUTWE WA IV: IBYEREKEYE IBIHANO

Ingingo ya 72:

Abashinjwa bo mu rwego rwa mbere banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi nk'uko biteganywa mu ngingo ya 54 y'iri Tegeko Ngenga cyangwa bireze, bakemera icyaha, bakicuza bagasaba n'imbabazi muri ubwo buryo ariko ntibyakirwe, bahanishwa igihano cyo kwicwa cyangwa igifungo cya burundu.

Abashinjwa bo mu rwego rwa mbere bireze, bakemera icyaha, bakicuza, bagasaba imbabazi nk'uko biteganywa mu ngingo ya 54 y'iri Tegeko Ngenga, bahanishwa igifungo kuva ku myaka makumyabiri n'itanu (25) kugeza ku myaka mirongo itatu (30).

Ingingo ya 73:

Abashinjwa bo mu rwego rwe kabiri bavugwa mu gace ka mbere n'aka kabiri tw'ingingo ya 51 y'iri tegeko ngenga:

1. banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi, cyangwa bireze bakemera icyaha, bakicuza, bagasaba imbabazi ariko ntibyakirwe, bahanishwa igifungo cyo kuva ku myaka makumyabiri n'itanu (25) kugeza ku myaka mirongo itatu (30);

2. bari ku rutonde rw'abagize uruhare muri jenoside rwakozwe n'Urukiko Gacaca rw'Akagari, iyo bireze, bakemera icyaha, bakicuza, bagasaba imbabazi nyuma yo gukora urutonde rugaragaza abagize uruhare muri jenoside, bahabwa igihano cy'igifungo gihera ku myaka cumi n'ibiri (12) kugeza ku myaka (15), ariko ku gihano cy'igifungo bahawe, kimwe cya kabiri bakakimara muri gereza ikindi gisigaye bakakimara hanze bafungishijwe ijisho, bakora imirimo ifitiye Igihugu akamaro;

3. bireze bakemera icyaha, bakicuza, bagasaba imbabazi mbere y'uko Urukiko Gacaca rw'Akagari rubashyira kuri urwo rutonde, bahabwa igihano cy'igifungo gihera ku myaka irindwi (7) kugeza ku myaka cumi n'ibiri (12) ariko ku gihano cy'igifungo bahawe, kimwe cya kabiri bakakira muri gereza, ikindi gisigaye bakakimara hanze bafungishijwe ijisho,.bakora imirimo ifitiye Igihugu akamaro.

Abashinjwa bo mu rwego rwa kabiri bavugwa mu gace ka gatatu k'ingingo ya 51 y'iri tegeko ngenga :

1° banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi, cyangwa bireze, bakemera icyaha, bakicuza, bagasaba imbabazi ariko ntibyakirwe bahanishwa igihano cy'igifungo gihera ku myaka itanu (5) kugeza ku myaka irindwi (7), ariko ku gihano bahawe, bakamara kimwe cya kabiri muri gereza, ikindi bakakimara hanze bafungishijwe ijisho, bakora imirimo ifitiye Igihugu akamaro;

2° bari ku rutonde rw'abagize uruhare muri' jenoside rwakozwe n'Unrkiko Gacaca rw'A iyo bireze, bakemera icyaha, bakicuza, bagasaba imbabazi nyuma yo gukora u rugaragaza abagize uruhare muri jenoside, bahanishwa igihano cy'igifungo gihera ku itatu (3) kugeza ku myaka itanu (5), ariko ku gihano bahawe, kimwe cya kabiri bakakimara hanze bafungishijwe ijisho, bakora imirimo ifitiye Igihugu akamaro;

3° bireze, bakemera icyaha, bakicuza, bagasaba imbabazi mbere y'uko Urukiko Gacaca rw'Akagari rubashyira kuri urwo rutonde, bahanishwa igihano cy'igifungo gihera ku mwaka umwe (1) kugeza ku myaka itatu (3) ariko ku gihano cy'igifungo bahawe, kimwe cya kabiri bakakimara muri gereza, ikindi bakakimara hanze bafungishijwe ijisho, bakora imirimo ifitiye Igihugu akamaro.

Ingingo ya 74

Umuntu uri mu gihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro, iyo akoze ikindi cyaha, igihe yari amaze muri iyo mirimo kiba imfabusa, agasubira muri gereza kurangiza igihe cy'igifungo yari asigaje, kandi akanakurikiranwa ku cyaha gishya yakoze.

Ingingo ya 75:

Abashinjwa bakoze ibyaha byerekeranye n'umutungo, bategekwa kuriha ibyo bangije.

Ingingo ya 76:

Abantu bahamwe n'ibyaha cya jenoside cyangwa ibyaha byibasiye inyokomuntu hakurikijwe iri Tegeko Ngenga, bamburwa uburengazira bari bafite mu buryo bukurikira:

1° abantu bo mu rwego rwa mbere bamburwa burundu uburenganzira bwose umuntu afite mu Gihugu nk'uko biteganywa n'Igitabo cy'Amategeko ahana ibyaha mu Rwanda;

2° abantu bo mu rwego rwa kabiri, agace ka mbere n'aka kabiri, bavugwa mu ngingo ya 51 y'iri Tegeko Ngenga bamburwa burundu uburengazira bwo:

a. gutora;
b. gutorwa;
c. kuba umutangabuhamya mu by'ubuhanga, mu byemezo no mu manza, uretse kuba yasiganuzwa bamupererezaho;
d. gutunga no gutwara imbunda;
e. kuba umusirikare;
f. kuba umupolisi;
g. gukora umurimo wa Leta ;
h. kuba umwigisha cyangwa umuvuzi mu mirimo ya Leta cyangwa iy'abikorera ku giti cyabo.

3° abantu bo mu iwego rwa mbere n'abo mu rwego rwa kabiri bashyirwa ku rutonde rumanikwa ku biro by'Umurenge babarurirwamo.

Ingingo ya 77:

Umuntu wakoze ibyaha bitandukanye bimushyira mu rwego rumwe, ahanishwa igihano kiri hejuru mu biteganyirijwe abari muri urwo rwego.

Icyakora, uwakoze gusa ibyaha bitandukanye bimushyira mu rwego rwa kabiri, agace ka gatatu, ahanishwa igihano kiri hejuru mu biteganyirijwe abari muri urwo rwego, agace ka gatatu.

Ingingo ya 78:

Abantu bahamwa n'ibyaha bya jenoside cyangwa ibyaha byibasiye inyokomuntu bari bafite, igihe bakoraga ibyo byaha, kuva ku myaka cumi n'ine (14) ariko batarageza ku myaka cumi n'umunani (18) yuzuye bahanishwa:

1° Iyo bari mu rwego rwa mbere, ariko bakaba baranze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi cyangwa bireze, bakemera icyaha, bakicuza bakanasaba imbabazi ariko ntibyakirwe, igihano cy'igifungo gihera ku myaka icumi (10) kugeza ku myaka makumyabiri (20) ;

2° Iyo bari mu rwego rwa mbere ariko bakaba barireze, bakemera icyaha, bakicuza bakanasaba imbabazi hakurikijwe ibiteganywa mu ngingo ya 60 y'iri Tegeko Ngenga, bikemerwa, igihano cy'igifungo gihera ku myaka umunani (8) kugeza ku myaka icumi (10);

3° Iyo bari mu rwego rwa kabiri mu gace ka mbere n'aka kabiri tw'ingingo ya 51 y'iri Tegeko Ngenga

a) banze kwirega, kwemera icyaha, kwicuza no gusaba imbabazi, cyangwa bireze, bakemera icyaha, bakicuza, bagasaba imbabazi ariko ntibyemerwe, bahanishwa igifungo cyo kuva ku myaka umunani (8) kugeza ku myaka icumi (10);

b) bari ku rutonde rw'abagize uruhare muri jenoside rwakozwe n'Urukiko Gacaca rw'Akagari, iyo bireze bakemera icyaha, bakicuza, bagasaba n'imbabazi nyuma yo gukora urutonde rugaragaza abagize uruhare muri jenoside; bahabwa igihano cy'igifungo gihera ku myaka itandatu (6) kugeza ku myaka irindwi (7) n'amezi atandatu (6), ariko ku gihano bahawe, kimwe cya kabiri cy'imyaka bakatiwe bakakimara muri gereza, ikindi gisigaye bakakimara hanze bafungishijwe ijisho, bakora imirimo ifitiye Igihugu akamaro;

c) bireze, bakemera icyaha, bakicuza, bagasaba imbabazi mbere y'uko Urukiko rw'Akagari rubashyira kuri urwo rutonde, bahabwa igihano cy'igifungo gihera ku myaka itatu (3) n'amezi atandatu (6) kugeza ku myaka itandatu (6) ariko ku gihano bakatiwe, kimwe cya kabiri cy'imyaka bakatiwe bakakimara hanze bafungishijwe ijisho, bakora imirimo ifitiye Igihugu akamaro.

4° Iyo bari mu rwego rwa kabiri, agace ka 3 k'ingingo ya 51 y'iri tegeko ngenga:

a) banze kwirega, kwemera icyaha no gusaba imbabazi, cyangwa bireze, bakemera icyaha, bakicuza, bagasaba imbabazi ariko ntibyakirwe, bahanishwa igihano cy'igifungo gihera ku myaka ibiri (2) n'amezi atandatu (6) kugeza ku myaka itatu (3) n'amezi atandatu (6), ariko ku gihano bahawe, bakamara kimwe cya kabiri muri gereza, ikindi bakakimara hanze bafungishijwe ijisho, bakora imirimo ifitiye Igihugu akamaro;

b) bari ku rutonde rw'abagize uruhare muri jenoside rwakozwe n'Urukiko Gacaca rw'Akagari, iyo bireze, bakemera icyaha, bakicuza, bagasaba imbabazi nyuma yo gukora urutonde rugaragaza abagize uruhare muri jenoside, bahanishwa igihano cy'igifungo gihera ku mwaka umwe (1) n'amezi atandatu (6) kugeza ku myaka ibiri (2) n'amezi atandatu (6), ariko ku gihano bahawe, kimwe cya kabiri bakakimara hanze bafungishijwe ijisho, bakora imirimo ifitiye Igihugu akamaro;

c) bireze, bakemera icyaha, bakicuza, bagasaba imbabazi mbere y'uko Urukiko Gacaca rw'Akagari rubashyira kuri urwo rutonde, bahanishwa igihano cy'igifungo gihera ku mezi atandatu (6) kugeza ku mwaka umwe (1) n'amezi atandatu (6), ariko ku gihano cy'igifungo bahawe, kimwe cya kabiri bakakimara muri gereza, ikindi bakakimara hanze bafungishijwe ijisho, bakora imirimo ifitiye Igihugu akamaro.

Ingingo ya 79:

Abantu bari batarageza ku myaka cumi n'ine (14) igihe bakoraga ibyaha bashinjwa, ntibakurikiranwa, ahubwo bashyirwa mu ngando zihariye z'amezi atatu (3).

Iteka rya Minisitiri w'Intebe riteganya uburyo izo ngando zikorwa.

Ingingo ya 80:

Mu gihe uri mu gihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro atayikoze nk'uko biteganyijwe, ajyanwa muri gereza kurangirizayo igihe cy'igihano cyari gisigaye.

Iteka rya Perezida wa Repubulika ryerekana kandi rigashyiraho uburyo igihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro gikorwa.

Ingingo ya 81:

Mu igena ry'ibihano, ntihashobora gutangwa igihano kiri munsi y'ibiteganyijwe muri iri Tegeko Ngenga, hishingikirijwe impamvu nyoroshyacyaha. Ahubwo iyo izo mpamvu zihari hatangwa igihano gitoya cy'igifungo cyangwa igihano nsimburagifungo cy'imirimo ifitiye Igihugu akamaro biteganyijwe n'iri Tegeko Ngenga.

Uwahamwe n'icyaha cya jenoside watangiye igihano ntashobora gufungurwa by'agateganyo.

UMUTWE WA V: IBYEREKEYE IHÀMAGARWA RY'USHINJWA N'IMENYESHA RY'IMANZA ZACIWE

Ingingo ya 82:

Ihamagarwa rikorwa n'umunyamabanga w'Urukiko Gacaca, abinyujije ku nzego z'ibanze z'aho uregwa atuye cyangwa ku buyobozi bw'aho uregwa afungiye.

Uhamagawe akanga kwitaba azanwa ku ngufu za Leta.

Ingingo ya 83:

Iyo iburanisha rirangiye, ababuranyi n'abandi bahari bamenyeshwa umunsi n'isaha urubanza ruzasomerwaho.

Ingingo ya 84:

Iyo urubanza, rumaze gusomwa, ababuranyi bahari bashyira umukono cyangwa igikumwe mu gitabo cy'abasomewe imanza. Iyo batishimiye imikirize y'urubanza bavuga ko bajuriye bikandikwa.

Urubanza ruciwe ushinjwa adahari kimwe n'urusomwe umuburanyi ataje, rumenyeshwa ku buryo bwemewe n'inyandiko y'imenyesharubanza yarwo umunyamabanga w'urukiko ashyikiriza ushinjwa abinyujije ku Muhuzabikorwa w'Umurenge w'aho atuye cyangwa ku buyobozi bw'aho afungiye.

Urubanza ruciriwe umuntu udafite aho atuye cyangwa aho aba hazwi mu Rwanda, rumenyeshwa mu buryo bumwe n'ubwo atumirwamo kuburana buvugwa mu ngingo ya 99 y'iri Tegeko Ngenga.

UMUTWE WA VI: IBYEREKEYE INZIRA ZO KUJURIRA

Ingingo ya 85:

Inzira zo kujurira zemewe n'iri Tegeko Ngenga ni izi zikurikira: gusubirishamo urubanza, kujurira no gusubiramo urubanza.

ICYICIRO CYA MB ERE: IBYEREKEYE GUSUBIRISHAMO URUBANZA

Ingingo ya 86:

Imanza zirebwa n'iri Tegeko Ngenga zaciwe ababuranyi badahari, zishobora gusubirishwamo.

Gusubirishamo urubanza bikorerwa mu rukiko rwaruciye mbere. Ubisaba abyandikisha ku Munyamabanga w'Urukiko Gacaca.

Isubirishamo ryakirwa gusa iyo umuburanyi urisaba agaragaje impamvu ikomeye kandi yemewe yamubujije kujya kuburana urubanza asubirishamo. Urukiko ni rwo ruha agaciro impamvu, rukayanga cyangwa rukayemera.

Ingingo ya 87:

Gusubirishamo urubanza bikorwa mu gihe cy'iminsi cumi n'itanu (15) ikurikirana, guhera umunsi umuburanyi usubirishamo urubanza yarumenyesherejweho.

Ingingo ya 88:

Uwasubirishijemo urubanza ntiyitabe ntiyemererwa kongera kurusubirishamo.

ICYICIRO CYA II: IBYEREYE KUJURIRA

Ingingo ya 89:

Imanza zaciwe n'Urukiko Gacaca rw'Akagari zerekeye umutungo ntizijuririrwa; naho izindi zijuririrwa mu Rukiko Gacaca rw'Umurenge ruzifataho icyemezo bwa nyuma.

Imanza zaciwe n'Urukiko Gacaca rw'Umurenge mu rwego rwa mbere, zijuririrwa mu Rukiko Gacaca rw'Ubujurire ruzifataho icyemezo bwa nyuma.

Ingingo ya 90:

Uregwa cyangwa abamushinja ni bo bonyine bashobora kujuririra urubanza baburanye mu Rukiko Gacaca.

Ingingo ya 91:

Igihe cyo kujurira ni iminsi cumi n'itanu (15) ikurikirana, guhera ku munsi w'isomwa ry'urubanza iyo rwaciwe ababuranyi bahari, cyangwa guhera ku munsi ukurikira uw'umuburanyi waciriwe urubanza adahari yarumenyesherejweho ntarusubirishemo. Urubanza ruburanishwa kandi rugacibwa hubahirijwe imihango yari yakurikijwe na mbere.

Ingingo ya 92:

Iyo Urukiko Gacaca rwajuririwe rusanze uregwa yarashyizwe mu rwego rutari rwo, rumushyira mu rwego ruhuje n'ibyaha akurikiranyweho, rukamuburanisha bwa mbere n'ubwa nyuma. Icyakora iyo rusanze ari mu rwego rwa mbere, rwohereza dosiye ye Ubushinjacyaha.

ICYICIRO CYA III: IBYEREKEYE GUSUBIRAMO URUBANZA

Ingingo ya 93:

Urubanza rushobora gusubirwamo iyo:

1° umuntu yari yagizwe umwere n'urubanza rwaciwe ku buryo budasubirwaho n'Urukiko rusanzwe, nyuma bikaza kugaragara mu Rukiko Gacaca ko ari umunyacyaha;

2° umuntu yari yagizwe umunyacyaha n'urubanza rwaciwe ku buryo budasubirwaho n'Urukiko rusanzwe, nyuma bikaza kugaragara mu Rukiko Gacaca ko ari umwere;

3° umuntu yahawe igihano bigaragara ko kinyuranyije n'amategeko hakurikijwe ibyaha bimuhama.

Uregwa cyangwa abamushinja n'ababakomokaho ni bo bonyine bashobora gusaba ko urubanza rusubirwamo.

Urukiko gacaca rw'Ubujurire ni rwo rwonyine rufite ububasha bwo gusubiramo imanza zaciwe muri ubwo buryo.

UMUTWE WA VII: IBYEREKEYE KWISHYURA UMUTUNGO WONONWE N'IBINDI BIKORERWA ABAHOHOTEWE.

Ingingo ya 94:

Imanza zerekeye umutungo wononwe ziburanishwa n'Urukiko Gacaca rw'Akagari cyangwa izindi nkiko abaregwa baburaniramo. Icyakora, izo manza ntizijuririrwa.

Ingingo ya 95:

Mu kwishyura hakoreshwa uburyo bukurikira:

1° gusubiza ibyasahuwe iyo bishoboka;
2° kuriha ibyononwe cyangwa gukora imirimo ifite agaciro gahwanye n'ibigomba kurihwa.

Urukiko rutegeka buri wese ugomba kuriha uburyo n'igihe azabikoramo.

Iyo utegetswe kwishyura atubahirije uburyo n'igihe yahawe, irangizarubanza rikorwa ku ngufu za Leta.

Ingingo ya 96:

Ibindi bikorerwa abahohotewe bigenwa n'itegeko ryihariye.

INTERURO YA IV : IBYEREKEYE INGINGO ZINYURANYE, IZ'INZIBACYUHO N'IZISOZA

Ingingo ya 97:

Ikurikiranacyaha n'ikurikiranabihano ku byaha bigize jenoside cyangwa ibyaha byibasiye inyokornuntu ntibisaza.

Ingingo ya 98:

Inkiko ziburanisha imanza za jenoside n'ibindi byaha byibasiye inyokomuntu ziteganywa n'iri Tegeko Ngenga zishobora gucira imanza abantu badafite aho batuye cyangwa babarizwa hazwi mu Rwanda cyangwa abantu baba hanze y'Igihugu, iyo hari ibimenyetso byuzuzanya cyangwa impamvu zikomeye zibahamya icyaha, baba barisobanuye cyangwa batarisobanuye. .

Ingingo ya 99:

Iyo ushinjwa adafite aho atuye cyangwa aho aba hazwi mu Rwanda, igihe cyo kumuhamagara kuburana ni ukwezi kumwe (1). Umunyamabanga w'Urukiko Gacaca cyangwa Gerefiye w'urukiko, we ubwe cyangwa yifashishije izindi nzego; amanikisha kopi y'inyandiko y'ihamagara aho Urukiko rugomba kuburanisha urwo rubanza rukorera no ku biro by'Uturere cyangwa Imijyi n'iby'Intara cyangwa Umujyi wa Kigali.

Kopi y'inyandiko y'ihamagara ishobora no kumanikwa gusa abantu hagenewe kumanikwa inyandiko zose zigenewe rubanda.

Imanza z'abantu bahamagawe muri ubwo buryo ziburanishwa, mu Nkiko Gacaca, hakurikijwe ibivugwa mu ngingo ya 66 y'iri Tegeko Ngenga, naho mu nkiko zisanzwe, zikaburanishwa mu buryo bukurikizwa mu manza z'abarezwe ntibitabe.

Ingingo ya 100:

Imanza zari zarashyikirijwe inkiko mbere y'itangazwa ry'iri Tegeko Ngenga mu Igazeti ya Leta ya Repubulika y'u Rwanda zizakomeza kuburanishwa n'inkiko zari zirimo. Zikurikiza amategeko asanzwe agenga imiburanishirize y'imanza, haseguriwe ibyihariye biteganywa n'iri Tegeko Ngenga. Naho ku byerekeye ikiburanwa izo nkiko zikurikiza ibiteganywa muri iri Tegeko Ngenga.

Ariko iyo bigaragaye ko ukurikiranywe muri ubwo buryo ahuriye mu rubanza rumwe n'abantu bakurikiranywe n'Urukiko Gacaca kandi bari mu rwego rumwe hakurikizwa ibikubiye mu ngingo ya 2 y'iri Tegeko Ngenga.

Ingingo ya 101:

Urwego rw'Igihugu rushinzwe gukurikirana, kugenzura no guhuza ibikorwa by'Inkiko Gacaca rushyiraho kandi amabwiriza agena uburyo inzego z'Inkiko Gacaca zagenwaga n'Itegeko Ngenga n°40/2000 ryo kuwa 26/01/2001 ryerekeye imitunganyirize y'ikurikirana ry'ibyaha bigize ibyaha cy'itsembabwoko n'itsembatsemba çyangwa ibyaha byibasiye inyokomuntu byakozwe hagati y'itariki ya mbere Ukwakira 1990 n'iya 31 Ukuboza 1994 nk'uko ryahinduwe kandi ryujujwe kugeza ubu zisimburwa n'iziteganwa n'iri Tegeko Ngenga.

Ingingo ya 102.

Amatora yo gusimbura inyangamugayo idashoboye gukomeza imirimo yayo kubera impamvu iyo ari yo yose ayoborwa n'Inama Mpuzabikorwa y'Urukiko amatora abereyemo.

Icyakora, iyo hari inyangamugayo ziri ku rutonde rw'abasimbura, abaruzaho mbere ni bo basimbura nta zindi nzitizi, hakurikijwe uko bakurikirana.

Ingingo ya 103

Inama ya mbere y'Inama Rusange y'Umurenge ikurikira itangazwa ry'iri Tegeko Ngenga mu Igazeti ya Leta ya Repubulika y'u Rwanda igizwe n'inyangamugayo zose zatorewe mu Murenge, zaba izisanzwe mu Rukiko Gacaca rw'Intara cyangwa urw'Umujyi wa Kigali, izisanzwe mu Rukiko Gacaca rw'Akarere cyangwa Urw'Umujyi, izisanzwe mu Rukiko Gacaca rw'Umurenge kimwe n'izigize Inkiko Gacaca z'Utugari tugize Umurenge.

Iyo nama ifite gusa inshingano yo gutora Inyangamugayo icyenda (9) zigize Inteko y'Urukiko Gacaca rw'Ubujurire n'abasimbura batanu (5) n'izigize Inteko y'Urukiko Gacaca rw'Umurenge n'abasimbura batanu (5).

Inyangamugayo zidatowe zisubira mu Tugari zatorewemo kugira ngo zitoremo nyangamugayo icyenda (9) zigize Inteko y'Urukiko Gacaca rw'Akagari n'abasimbura batanu (5).

Ingingo ya 104:

Abantu bakatiwe n'Inkiko Gacaca hakurikijwe ingingo za 32 na 37 z'Itegeko Ngenga n° 40/2000 ryo ku wa 26/01/2001 ryerekeye imitunganyirize y'ikurikirana ry'ibyaha bigize icyaha cy'itsembabwoko n'itsembatsemba cyangwa ibyaha byibasiye inyokomuntu byakozwe hagati y'itariki ya mbere Ukwakira 1990 n'iya 31 Ukuboza 1994 nk'uko ryahinduwe kandi ryujujwe kugeza ubu; barangiza ibihano byabo hakurikijwe ibiteganywa n'iri Tegeko Ngenga. Abamaze nibura amezi atandatu (6) y'igifungo bazahita barekurwa iri Tegeko Ngenga rikimara gutangazwa mu Igazeti ya Leta ya Repubulika y'u Rwanda.

Ingingo ya 105:

Itegeko Ngenga n° 08/96 ryo ku wa 30 Kanama 1996 ryerekeye imitunganyirize y'ikurikirana ry'ibyaha bigize ibyaha cy'itsembabwoko n'itsembatsemba cyangwa ibyaha byibasiye inyokomuntu byakozwe kuva ku itariki ya mbere Ukwakira 1990, n'Itegeko Ngenga n° 40/2000 ryo ku wa 26/01/2001 rishyiraho Inkiko Gacaca kandi rigena imitunganyirize y'ikurikirana ry'ibyaha igize ibyaha cy'itsembabwoko n'itsembatsemba cyangwa ibyaha byibasiye nyokomuntu byakozwe hagati y'itariki ya mbere Ukwakira 1990 n'iya 31 Ukuboza 1994 nk'uko ryahinduwe kandi ryujujwe kugeza ubu, kimwe n'ingingo zose z'andi mategeko abanziriza iri kandi zinyuranyije na ryo, bivanyweho.

Ingingo ya 106:

Iri Tegeko Ngenga ritangira gukurikizwa umunsi ritangarijweho mu Igazeti ya Leta ya Repubulika y'u Rwanda

Kigali, ku wa 19/06/2004

Perezida wa Repubulika
KAGAME Paul
(sé)

Minisitiri w'Intebe
MAKUZA Bernard
(sé)

Minisitiri w'Ubutabera
MUKABAGWIZA Edda
(sé)

Minisitiri w'Ubutegetsi bw'Igihugu, Amajyambere Rusange
n'Imibereho Myiza y'Abaturage
BAZIVAMO Christophe
(sé)

Bibonywe kandi bishyizweho lkirango cya Repubulika:
Minisitiri w'Ubutabera
MUKABAGWIZA Edda
(Sé)