

**Guide de la Réconciliation pour la Paix**  
**Umuyobozi w'ubwiyunge mu mahoro**

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**Ubutabera mpuzabantu ni iki? Abanyarwanda twakwiyunga dute?**  
**Tubiganireho.**

**Igice cya 1.**

**Ubutabera mpuzabantu bw'abanyarwanda**

Mu gice cya mbere cy'iki kiganiro, nifuje gutanga ibitekerezo byerekeye ukuntu abanyarwanda twagira **ubutabera mpuzabantu (médiation)** bwunganira ubutabera busanzweho.

Ibihugu byinshi byateye imbere byamaze kubona ko ubucamanza busanzwe bufite ibibazo, bityo ababuranyi bamwe bakaba binubira imwe mu mikorere yabwo kuko babona ko ubwo bucamanza butabarengera uko bikwiye. Niba rero abaturage bo muri ibyo bihugu barabonye ko ubwo butabera bufite ibibazo, abo mu bihugu byakolonijwe (cyane cyane ibyo muri Afurika) bagombye nabo kubona ko ibyo bibazo iwabo byarenze kamere. Kandi ni mu gihe, kuko ubwo bucamanza bwabo babuzaniwe n'abakoloni. Ubwo burakare bw'abaturage ni imwe mu mpamvu zatumye, kuva muri 1985, Umuryango w'abibumbye (ONU) ushishikariza ibihugu byose byo kw'Isi gushyiraho ubundi buryo bwunganira ubucamanza busanzwe mu gukemura ibibazo byabo. Uwo muryango usaba ibyo bihugu gushyiraho ndetse za gahunda zo guteza imbere ubutabera buhuza abantu hamwe n'ubutabera bubafasha kwiyunga (**les programmes de médiation et de justice réparatrice**). Ibyo ntibyanagombye kugora abanyarwanda kuko mu muco karande wa kera bari bafite ubwo butabera mbere y'uko busimburwa n'ubwazanywe n'abakoloni. Igikomeye kikaba ari ukubuhuzwa n'umuco wacu w'iki gihe wivanze n'uwabo. Kugirango byumvikane neza ukuntu ubwo butabera bushya bushoboka iwacu i Rwanda, ndabigereranya n'ukuntu urugaga rw'abavoka (barreau des avocats) rwa mbere rwagiyeho. Ngiye gukora icyo kigereranyo kuko abavoka (les avocats) bafite umulimo ufitiye abaturage akamaro wo kunganira ababuranyi mu nkiko no mu zindi nzego z'ubuyobozi bityo bagafasha ubucamanza n'abayobozi gukora akazi neza mu buryo buhuje n'amategeko. Ubutabera mpuzabantu nabwo bwunganira ubucamanza busanzwe mu kurwanya akarengane. Mu bindi bihugu aho ubutabera mpuzabantu bwatangiye gushinga imizi, abahuza (les médiateurs, conciliateurs) nabo bagira ndetse uruhare mu gukomeza ubwigenge bw'ubutabera. Bafasha abantu bafitanye ibibazo kubyikemurira batarinze kunyura imbere y'abacamanza.

**1. Uko urugaga rw'abavoka rwagiyeho**

Guhera mu myaka yegera 1988, mu Rwanda niho abantu bamwe bake batangiye gukora akazi ko gufasha ababuranyi mu bibazo bafite mu nkiko ariko bataburanira kuko nta tegeko ryabibemereraga. Icyo gihe bari nka ba "démarcheurs". Nyamara kandi itegeko rishyiraho inkiko ryateganyaga ko ababuranyi bashobora guhagararirwa cyangwa kwunganirwa n'abavoka, ariko nta tegeko rwashyiragaho urugaga rw'abavoka ryabagaho.

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Kubera ko ababuranyi baba badasobanukiwe n'amategeko kandi ari n'uburenganzira bwabo bwo kugira abababuranira, byatumye abo batangiye uwo murimo babona ko abaturage bakeneye gufashwa mu manza kugirango zicibwe neza. Ibyo byatumye Ministeri y'ubutabera ishahiraho itegeko-teka ryemera **umwuga wo kunganira no kuburanira abandi mu nkiko (mandataire professionnel en justice)** ibisabwe n'abashakaga gukora uwo mwuga.

Iryo tegeko-teka ryateganyaga ibyangombwa uwasabaga gukora uwo mwuga yagombaga kwuzuzwa. Uburanira abandi yagombaga kwerekana mu nkiko ikarita yahawe na Ministri w'ubutabera imwemerera gukora ako kazi kugirango ashobore kwunganira cyangwa kuburanira umuburanyi. Nyuma abakoraga uwo mwuga mushya wari umaze kwemerwa twishyize hamwe mw'ishyirahamwe (association des mandataires professionnels en justice). Abari muri iryo shyirahamwe ariko si ko bose bari bafite impamyabushobozi ihanitse mu by'amategeko (licence en droit). Harimo abari baremerewe gukora uwo mwuga kubera uburambe bafite mu kazi kajyanye n'amategeko cyangwa n'ubutabera (expérience professionnelle dans les fonctions juridiques ou judiciaires). Abize amategeko bari bake kandi bari banakenewe mu nkiko no mu yindi mirimo ya Leta cyangwa mu bigo byigenga n'ibya Leta.

Intambara ya 1990 yatangiye mu gihe gushyiraho urugaga rwa ba Avoka byari bikiri mu mushinga. Nyuma y'intambara ya 1990-1994, abakoraga uwo mwuga wo kunganira no kuburanira abandi mu nkiko twishyize hamwe mw'ishyirahamwe ryacu dusaba ko hajyaho itegeko rishyiraho urugaga rwa ba Avoka mu Rwanda. Abavoka bahungutse bahoze mu ngaga (barreaux) z'abavoka mu bihugu byo hanze babidufashijemo cyane. Ni abo gushimirwa. Iryo tegeko ryateguwe na Ministeri y'ubutabera ifatanyije n'iryo shyirahamwe, rishyikirizwa Inteko ishinga amategeko iraryemeza, risohoka kuwa 19 werurwe 1997, abagize urugaga rwa ba Avoka rwa mbere turahira tariki ya 30 Kanama 1997. Abatari bafite impamyabushobozi mu by'amategeko bari bemerewe kuburana gusa mu nkiko za Kanto n'iza mbere z'iremezo ariko ntibaburane mu zindi nkiko zo hejuru nk'urukiko rw'ubujurire, n'urusesa imanza. Uwo mwaka ntuzibagirana mu mateka y'ubutabera kuko ni intambwe URwanda rwateye nyuma y'imyaka yose ubutabera bwamaze butagira urugaga rw'aba Avoka, kuva igihugu cyabona ubwigenge, kandi kugira Avoka ari uburenganzira ku muburanyi wese.

### **2. Gutegura ubutabera mpuzabantu**

Muri uyu *mushinga w'ubwiyunge nyakuri* sinshidikanya ko ubutabera mpuzabantu buramutse bugiyeho mu Rwanda bwakemura ibibazo byinshi byamunze ubucamanza kuva kera cyane. Bwakwihutisha kandi bukagabanya imanza mu nkiko, amagereza akareka kwuzuramo abantu bataraburana cyangwa batagira amadosiye, ruswa zigacika mu nkiko (kuko abafitanye ibibazo bashobora kubyicyemurira), abanyarwanda bakabona ubutabera bubegereye kandi butabahenze, ababuranyi bakarushaho kwumva ko ikibazo bafitanye ari bo kireba mbere na mbere, uburenganzira bw'ikiremamuntu bukubahirizwa kuri buri wese, hakabaho ubutabera bubereye bose, hose kandi igihe cyose. Ku buryo bw'umwihariko, ubwo butabera bushya bwacyemura neza mu biganiriro ibibazo birebana n'ibyaha byakozwe mu guhohotera abanyarwanda kubera ubwoko bwabo (infractions à caractère ethnique) bitigeze biburanishwa n'izindi nkiko. Ubwo butabera busubiza abantu ubumuntu batakaje kubera ibyo byaha maze ubwiyunge nyakuri bukagerwaho.

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Kugirango ubwo butabera bushya bushobore gukora neza, nkuko mu mashuri yisumbuye n'amakuru harimo amashami yigisha amategeko akoreshwa mu bucamanza, hagombye nabwo kuzajyaho andi mashami yigisha ubwo bumenyi bwo guhuza abantu bafitanye ibibazo kandi bifuzwa kubikemura. Abafite impamyabushobozi muri ubwo bumenyi (médiation) bakazakora **umwuga w'umuhuza (médiateur)**. Ku mirenge hose, abaturage batageze muri ayo mashuri ntibahezwa gukora uwo mwuga. Abifuzwa kuwukora ariko batashoboye kwiga ayo mashuri muri ubwo bumenyi, bahabwa amahugurwa, bakaba abahuza (conciliateurs) ariko batari mu rwego rumwe n'ababifitiye impamyabushobozi (médiateurs). Birumvikana kandi ko imikorere y'abahuza bahuguwe (conciliateurs) itaba imwe n'iy'abahuza babifitiye impamyabushobozi. Itegeko ryasobanura kandi rigatandukanya imikorere yabo.

Ndamenyeshya abatwumva ko kuba **umuhuza** (médiateur, conciliateur) bidasaba kuba warize amategeko kubera ko uwo mwuga utandukanye n'ubucamanza. Umucamanza ashinzwe gufata icyemezo ku mpaka ababuranyi bafitanye yifashishije amategeko, ariko umuhuza we nta cyemezo afata ahubwo afasha abantu gukemura ubwabo ikibazo kibareba, bakaba ari bo ubwabo bakibonera igisubizo, bakabyemeza mu masezerano. Dukurikije rero ko abanyarwanda benshi ndetse na Leta nta mikoro bafite yo guhamba aba avoka igihe cyose kandi n'abize amategeko akaba ari bacye cyane, biragaragara ko ubwo buryo bwo gucyemura ibibazo bubereye rubanda.

Ndongeraho ko ubwo butabera bushobora **guhuza abantu benshi (médiation élargie)** iyo ikibazo nabo kibareba, nk'imiryango y'uwo akaze icyaha n'uwo akorewe, ndetse n'abaturanyi bo ku murenge. Ibyo bituma abo nabo **bamenya ukuri** kandi bagashobora kwiyunga n'umunyacyaha, bityo amahoro arambye akagaruka muri rubanda. Muri "**Mpuzabantu**", abafitanye ikibazo bashobora kandi guhuzwa n'umuhuza umwe cyangwa benshi bafatanyije. Ikindi ni uko ubwo butabera bukemura igihe cyose ibibazo byose nta kuvangura gushingiye ku buremere bwabyo cyangwa ku nyito zabyo, bugahuza ababwiyambaje nk'**abantu basangiye ubumuntu**.

Abanyarwanda duharanira ubwiyunge nyakuri dukwiye kwishyira hamwe tukungurana ibitekerezo by'ukuntu bwagerwaho. Kubera ko ubutabera mpuzabantu ari imwe mu nzira zatugeza kuri ubwo bwiyunge dushaka, twagombye nabwo kubuharanira.

***Duhamanire ubutabera bubereye bose kuri byose, hose kandi igihe cyose.***

### **Igice cya 2.**

#### **Ubwiyunge nyakuri bukeneye ubuyobozi n'amategeko abugenga**

Mu gice cya kabiri cy'iki kiganiro ndashaka kwerekana uburyo ubwiyunge bukwiye kugira ubuyobozi n'amategeko abugenga kugirango bushobore kugerwaho mu by'ukuri.

Biragaragara ko hari abantu benshi bamaze kubona ko ubwiyunge bw'abanyarwanda ari kimwe mu bibazo by'ingenzi bigomba kwitabwaho kugirango dushobore kubana mu mahoro arambye. Ni yo mpamvu bamwe muri bo bafite ibikorwa biharanira ubwo bwiyunge. Hashyizweho komisiyo y'igihugu y'ubumwe n'ubwiyunge, hari abakoze inyandiko cyangwa

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banditse ibitabo ku bwiyunge, hari abahanzi baburirimba, hari ababukoraho ubushakashatsi ndetse n'ibiganiro mbwirwaruhame, abandi bashyizeho imishinga cyangwa amashyirahamwe yo kubuharanira, hari abasaba imbabazi n'abazitanga hakaba n'ababafasha kubigeraho, hari abatanga ubuhamya bugaragaza uko biyunze, n'ibindi n'ibindi.

Ibyo byose birerekana ko dukeneye ubwo bwiyunge koko, nyamara ariko ugasanga abanyarwanda tutavuga rumwe ku byerekeye uburyo bukwiye kugerwaho. Tukabuvuga mu buryo butandukanye bitewe no kudasobanukirwa cyangwa se n'inyungu buri muntu ku giti cye yabubonamo, hakiyongeraho n'akababaro buri wese aba afite. Byagera muli politiki ho bikarushaho! Urugero rumwe ni uko hari abavuga ko umuhutu wese yagombye gusaba imbabazi mw'izina ry'ubwoko bwe kubera ihohoterwa n'iyicwa ry'abatutsi byakozwe kuva kera na bamwe mu bahutu babaziza ubwoko bwabo, abandi nabo bati niba ari ibyo byagombye no kuba uko ku mututsi wese kubera ko hari n'abahutu bakandamijwe cyangwa bakicwa na bamwe mu batutsi nabo babaziza ubwoko bwabo. Ikibazo umuntu yabaza izo mpande zombi kikaba ari ukumenya ukuntu izo mbabazi zageze abanyarwanda ku bwiyunge nyakuri. Nyamara hari abandi bavuga bati KIRAZIRA nta muntu ukwiye gusaba imbabazi z'icyaha atakoze ku giti cye kuko **icyaha ari gatozi**, nkuko amategeko mpuzamahanga arengera uburenganzira bw'ikiremhamuntu abiteganyanya ndetse n'amategeko mpanabyaha y'igihugu akabyemeza. Ni uko impaka zikaba urudaca!

- Ese ubwiyunge ni iki, hiyunga nde na nde, biyunga bate, biyunga ryari, biyungira he, inzira z'ubwiyunge ni izihe;
- Ubwiyunge butaniye he n'imbabazi, butandukanira he n'ubutabera, ...
- Imbabazi ni iki, zisabwa gute, zitangwa gute, zitangwa na nde, zihabwa nde, zitangirwa he, zitangwa cyangwa zisabwa ryari, bitewe n'iki, ...
- Ese imbabazi zisimbura igihano? Ese umuntu ashobora gusabira imbabazi ubwoko bwe?
- Uburenganzira bw'ikiremhamuntu n'ubwiyunge bitandukanira he, bihuzwa n'iki?
- Abashaka kwiyunga babigeraho bate, babifashwamo na nde?
- Ni bande bakwiye gusabira abanyarwanda imbabazi ibyaha bakoreye abanyamahanga cyangwa ibyo abo abanyamahanga bakoreye abanyarwanda?
- Ni ryari umuntu ashobora gusabira undi imbabazi? N'ibindi, n'ibindi.

Ibyo byose ni ibibazo abanyarwanda bibaza kandi badafitiye ibisubizo bimwe. Ni nde wagombye kubaha ibisobanuro bikwiye ndetse agakiza izo mpaka? Yashingira kuki? Ibyo bisobanuro yabivana he? Byagenda gute rero? Reka ngerageze kugereranya iyo politiki y'ubwiyunge n'ubutabera mpuzabantu.

### **1. Gufasha abashaka kwiyunga mu rwego rw'ubuyobozi**

Nkuko nasobanuye ukuntu ubutabera mpuzabantu bufasha abashaka kwiyunga, abahuza si abacamanza kandi ntibagira uruhande babogamiraho. Ariko bunganira abacamanza kugirango ubutabera bugerweho neza. Nubwo ari imwe mu nzira z'ubwiyunge, ubucamanza busanzwe ntibuhuzwa abantu. Ubutabera nyabwo ni ubutuma abantu bashobora kwiyunga

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bakongera kubana. Ku byerekeranye na politiki nabyo, abanyepolitiki bo mu mashyaka nabo bakora politiki y'ubwiyunge butari ubwiyunge nyakuri iyo bayiganisha ku nyungu z'amashyaka yabo aba agamije ubutegetsu bw'igihugu, aho kuyiganisha ku nyungu za rubanda rwose batavanguye. Niyo mpamvu kugirango **ubwiyunge nyakuri** bushobore kugerwaho bukwiye kuyoborwa n'abandi bantu badakora politiki igamije ubutegetsu. Muri uyu mushinga, abo ni bo nita **abayobozi b'ubwiyunge**. Ni nayo mpamvu uyu mushinga nawise "**Umuyobozi w'Ubwiyunge mu Mahoro**" (Guide de la Réconciliation pour la Paix) kuko ugamije gusobanurira abantu imbabazi n'ubwiyunge wifashishije abahanga babizobereyemo. Kimwe n'uko abayobozi mu butegetsu bw'igihugu bakomoka mu mashyaka, abayobozi b'ubwiyunge nabo bagombye kuva mu mashyirahamwe ya société civile n'amadini kuko ntaho abogamira muli politiki y'ubwo butegetsu.

Aha umuntu yakwibaza ati ariko se abo bayobozi b'ubwiyunge bakora iki? Akazi kabo kaba akahe? Hari ibibazo byinshi birebana n'ihungabanywa ry'uburenganzira bw'ikiremhamuntu cyane cyane iryagiye rikorwa n'abashinzwe kwubahiriza amategeko ndetse n'abanyepolitiki bitwaje imyanya yabo, ugasanga ubutabera bunanirwa kubikemura kubera kubura ubwigenge. Ibyo byose ugasanga amashyirahamwe n'amadini ari yo abyamagana ariko akabura ingufu zo kurwanya ako karengane kandi n'ubutabera ntibubishobore kuko buba butegekwa n'abanyepolitiki. Amashyirahamwe n'amadini abura izo ngufu kubera ko aba atari mu nzego z'ubuyobozi bw'igihugu. Ni yo mpamvu hakwiye kuzajyaho amategeko yatuma abayahagarariye bagira ubwo bushobozi bwo kurandura ubwabo ako karengane bamagana aho kubisaba abanyepolitiki. Hateganywa ko **ayo mashyirahamwe n'amadini** agira intumwa mu buyobozi bw'igihugu butari ubwa politiki y'ubutegetsu nshingategeko (Pouvoir législatif) cyangwa iy'ubutegetsu nyubahirizategeko (Pouvoir exécutif). Ni ukuvuga **ubuyobozi bw'ubutabera n'ubwiyunge (Pouvoir de la Justice et de la Réconciliation)**.

Abo **bayobozi b'ubwiyunge** ni nabo basobanurira Rubanda uburyo **imbabazi n'ubwiyunge** byagerwaho, maze bakarengera ubumwe bw'abaturage. Kugirango imbabazi n'ubwiyunge byumvikane mu buryo bumwe butari ubw'amadisikuru atandukanye cyangwa yivuguruzanya y'abanyepolitiki banyuranye, ibyo nabyo birasaba ko hajyaho amategeko agenga uburyo ubumwe n'ubwiyunge bikwiye kugerwaho. Ni ukuvuga **amategeko-nyobozi y'ubwiyunge**. Ayo mategeko ntabwo yategeka abantu gusaba imbabazi cyangwa kuzitanga kuko imbabazi ziva ku mutima w'umuntu, nta nubwo yabategeka kwiyunga, ahubwo yabasobanurira kandi akabayobora abereka uburyo bakwiye kubigeraho. Ayo mategeko yarandura umuco mubi w'ikinyoma, uwo guhora, kwihorera, guhorera no kutagorora abanyabyaha (kudahana) bituma habaho insubiracyaha. Ni nayo yatanga ibisubizo kuri biriya bibazo abantu benshi batavugaho rumwe. Abayobozi b'ubwiyunge baba bashinzwe kuyubahiriza, muri ubwo buryo bakunganira abanyepolitiki bo mu mashyaka (abashyiraho amategeko asanzwe n'abayubahiriza), nkuko abahuza bakwunganira abacamanza mu butabera.

### **2. Umuryango uhuza abaharanira n'abashyamba ubwiyunge nyakuri**

Igihe kirageze rero ngo abaharanira ubwiyunge batekereze ku buryo ibikorwa byabo byakwumvikana neza. Uburyo uyu mushinga ubona nyabwo ni ukwemera bagakora **politiki y'ubumwe n'ubwiyunge** itagamije ubutegetsu ahubwo igamije guhuza abaturage no kubayobora mu bwiyunge. Iyo politiki ntisaba kugira "amashyamba" menshi nk'ay'abandi

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banyepolitiki kubera ko, nkuko izina ryayo ribivuga, iyo politiki nshya yo igamije ubumwe nyabwo. Abifuza kuyoboka iyo politiki bakwiye kwishyira hamwe mu **muryango umwe mugali ubahuza (Organisation de la Société Civile et des Cultes)**.

Uwo muryango wayoborwa n'intumwa z'amashyirahamwe n'amadini kimwe n'abandi bantu baharanira ubwiyunge ku giti cyabo, bityo abaturage bakawushyigikira kandi bakawuyoboka kuko bawukeneye. Izo ntumwa ntizaba zitereranye abanyamuryango b'amashyirahamwe n'amadini bahagarariye ahubwo ni uburyo bwo kubarengera kurushaho. Amashyirahamwe n'amadini yo nta n'izindi nyungu aharanira uretse iza rubanda kuko atarwanira ubutegetsi. Ni yo mpamvu ari yo akwiye kuyobora ubumwe n'ubwiyunge. Uwo muryango ni nawo wategura **umushinga w'amategeko-nyobozi y'ubwiyunge nyakuri** yasobanurira rubanda uburyo bukwiye kugerwaho.

Nkuko **ubutabera mpuzabantu** bwakwunganira ubucamanza busanzweho, **uwo muryango nawo wazunganira amashyaka ya politiki mu milimo y'ubuyobozi bw'igihugu irebana n'ubumwe n'ubwiyunge. Uwo muryango ni nawo waba umuhuza w'amashyaka ya politiki n'abanyepolitiki ku bibazo birebana n'ubutegetsi bw'igihugu, aho kwitabaza abanyamahanga kuko batazi ibibazo byacu kuturusha.** Abo bayobozi b'ubwiyunge bakorana n'izindi nzego zisanzweho z'ubucamanza n'iz'ubutabera mpuzabantu mu **Buyobozi bw'ubutabera n'ubwiyunge**. Itegeko ryazagena ububasha n'imikorere yabo ndetse n'uburyo bashyirwaho.

Abanyarwanda bamwe bamaze gushishoza bamenya ko ntacyo bapfa hagati yabo mu by'ukuri, ko ibibazo tugirana biterwa na politiki mbi zadutanyije zikoresheje amoko ndetse n'uturere.

Abageze ku bikorwa by'ubwiyunge ku bwabo cyangwa hamwe n'abandi banyarwanda, ni ukubera ko bashoboye kwiyubaka maze barenga ibibazo by'amoko. Ni abo gushimirwa. Uriya muryango wabafasha guhuza ibyo bikorwa n'ibitekerezo byiza bafite byubaka umubano w'abanyarwanda kandi ukagarurira rubanda icyizere mu banyepolitiki bo mu mashyaka, bityo bose bakabyungukiramo. Kwishyira hamwe byagabanya ingufu z'abashaka kudutanya. Abagize Société civile n'amadini bakwiye kugira "garantie" y'uko abanyepolitiki bifuza ubutegetsi batazongera gukora politiki mbi yo gutanya no guteranya banyarwanda. Nta yindi "garantie" rero nyayo uretse kuba ari bo ubwabo bayobora politiki yo guhuza abanyarwanda.

Kimwe n'uko mu butabera abahuza batagira uwo (uruhande) babogamiraho, no mu rwego rwa politiki abayobozi b'ubwiyunge nabo nta shyaka babogamiraho kuko baharanira ubumwe n'umubano nyarwanda. **Kutabogama, kutabera, ubwigenge, icyizere no kwizerana ni byo byabaranga mu milimo yabo.**

**Murakoze ndabashimiye kandi mugire amahoro.**