

ESE KOKO AHO BAMWE MU BAGIZE INTEKO ISHINGA AMATEGEKO BATOWE BIKURIKIJE ITEGEKO NSHINGA RISHYA ?

Mbere na mbere niyemeje kugeza iki kibazo k' Ubutegetsi bw'Ubucamanza, by'umwihariko Urukiko rw'Ikirenga muyobora, kubera ko mu nama y'iminsi ibiri yabereye muri KIST i Kigali, kuva tariki ya 20 kugeza ku ya 21 Ugushyirye 2003, yateguwe n'Umuryango NDI (Institut National Démocrate) wo muri Leta Zunze Ubumwe z'Amerika ; iyo nama ikaba yarahuye abahagarariye za Minisiteri zimwe (MINALOC , MINIJUST,...), abahagarariye za Komisiyo z'Igihugu zinyuranye (CNE, NURC, ...) abahagarariye Imitwe ya Politiki yemewe mu Rwanda kandi yagize uruhare mu matora ashize, abiyamamaje bigenga muri ayo matora n'abahagarariye imwe mu miryango itegamiye kuri Leta.

Mu kuganira ku kibazo cya demokarasi, uko amatora yagenze mu Rwanda n'ibyakorwa nyuma y'amatora, hari abakomoje ku kibazo gikomeye ko mu Nteko Ishinga Amategeko hari Abadepite n'Abasenateri bamwe batowe n'inzego z'ibanze z'inzibacyuho, bityo bikaba bishobora gutera ingorane abagize urwego bose cyane cyane bakemangwa na rubanda ku bubasha bwabo (**Légitimité constitutionnelle**).

Kubera ko icyo gihe mur'iyi nama, twabuze Umutegetsi wemewe uduha ibisobanuro bihamye (kuko uwabibazwaga wese yabyirengagizaga nkana nk'aho atabyumvise) bityo tukaba twaratahanye ibibazo bitumereye ku ruhande rumwe, ku rundi nk'Umunyapolitiki wigenga wari wiyamamaje mu matora ya Perezida wa Repubulika ; nubwo atari ukujuririra ayo matora, kuko ntabishatse kandi byarangiye ; numva ndi mu bafite inyungu zo gukurikiranira hafi iki kibazo cy'inzego z'ibanze z'inzibacyuho kuko inyinyshi muri zo, niba atari zose, zagize uruhare rukomeye mu kubangamira uburenganzira bw'abatora n'abatorwa bamwe mu matora tuvuyemo. Ikindi nuko uwari Uhagarariye Umuryango wa FPR, buri gihe yafataga ijamba yavugaga ko ibyo bamwe tuvuga ari ugusebanya nta bimenyetso dufite bigaragara. Ibyo nabyo bikaba byaraduteye gushyira ahagaragara imiterere y'ikibazo n'amategeko yakandagiwe bigenderewe.

Bityo akaba ari muri urwo rwego ngejeje, iki kibazo k'Urukiko rw'Ikirenga ku neza n'inyungu za rubanda rwose.

IMITERERE Y'IKIBAZO.

Ku buryo bw'imiterere by'ingingo ya mbere, iya 76,2° ; iya 82, 1° ; iya 85 ; iya 167 n'iya 195 mu gika cyayo cya mbere z'Itegeko Nshinga rishya ryatowe n'Abanyarwanda ku wa 26 Gicurasi 2003 rigatangazwa mw'Igazeti ya Leta numero idasanzwe yo ku wa 4 Kamena 2003 ;

Reka turebe ibitarubahirijwe na Guverinoma, Komisiyo y'Igihugu y'Amatora n'abatowe n'abagize Inzego z'inzibacyuho za Njyanama z'Uturere, Imijyi na Komite z'Imirenge mu Ntara n'Umujyi wa Kigali, zatowe mu w'2001 ;

Ese nkuko ingingo ya 87 y'Itegeko Shingiro ryagengaga inzibacyuho yateganyaga ko amatora y'inzego za komini (ubu akaba ari iz'uturere, imijyi mu Ntara n'Umujyi wa Kigali), yagombaga kuba amezi atandatu mbere yuko inzibacyuho irangira ; ingezo z'ibanze zihuje n'izi zivugwa mu ngingo y'167, igika cya kabiri, amatora yazo siyo yagombaga kubanziriza andi matora yose y'Inzego Nkuru z'Igihugu ? Kugira ngo koko, rubanda bene ubutegetsi muri Repubulika, babanze babuhe ababegereye kandi bazi neza ?

Icyamba mbere.

Mu ngingo y'195 y'Itegeko Nshinga rishya, mu gika cyayo cya mbere, havugwamo ko « **Inzego z'Ubutegetsi zo mu gihe cy'Inzibacyuho ziteganywa n'Itegeko Shingiro zikomeza gukora kugeza igihe hashyirweho ingezo nshya zizisimbura ziteganywa n'iri Tegeko Nshinga.** »

Kuba ingezo z'ibanze z'inzibacyuho zikora ibyo zihabwa n'amategeko yo munzibacyuho si cyo kibazo ; ikibazo cyabaye igihe bazikoresheje ibisabwa ingezo nshya (inshingano n'ububasha bitangwa n'Itegeko Nshinga rishya).

Icyamba kabiri.

Ingingo ya 87 y'Itegeko Shingiro ryagengaga inzibacyuho, yateganyaga ko amatora y'inzeho za komini (ubu ari zo zitwa iz'uturere), yagombaga kuba ameze atandatu mbere yuko inzibacyuho irangira ; byumvikana ko aya matora yagombaga gushingira kw'Itegeko Nshinga rishya ritowe n'Abanyarwanda muri Referendum nkuko bivugwa mu ngingo ya 41 y'iryo Tegeko Shingiro; kugira ngo amatora ashingiye kur'izo nzeho nyuma y'inzibacyuho, nayo abe ahuje n'Itegeko Nshinga rishya.

Mu itegeko shingiro kandi, nta ngingo n'imwe iha rubanda ubutegetsi n'ububasha nk'ibyo mu Itegeko Nshinga rishya ingingo ya mbere ; bivugwa ko amatora yo mu nzibacyuho, kwari ukugerageza n'agateganyo ; kuko nyine ubutegetsi n'ububasha by'inzibacyuho bishingiye ku Masezerano y'Amahoro ya Arusha Guverinoma n'Umuryango FPR byagiranye ku ya 4-8.1993.

Nkuko byateganywaga mu ngingo ya 41 y'Itegeko Shingiro navuze haruguru ; rubanda rwasubiranye ubutegetsi n'ububasha bwo kubutanga mu Itegeko Nshinga rishya rwitoye ku ya 26 Gicurasi 2003 ; ntibyakumvikana rero ushatse kubatirira ibyakozwe mu nzibacyuho ngo ubibitire nyuma yayo kandi hari amatora bari bakwiye gutangiramo ubwo bubasha ku nzeho z'ibanze zo mu Itegeko Nshinga rishya.

Icyamba gatatu.

Ubwo itora ry'abagize inzeho za Njyanama z'Uturere, Imijyi na Komite z'Imirenge mu Ntara n'Umujyi wa Kigali batowe mu w'2001 bishingiye kw'Itegeko Shingiro ryagengaga Inzibacyuho ; mu rwego rw'amategako, aba bayobozi baracyari ab'inzibacyuho kugeza igihe bazasimburirwa n'abazaba batowe bikurikije Itegeko Nshinga rishya nkuko biteganywa n'ingingo y'195 mu gika cyayo cya mbere.

Icyamba kane.

Na none ubwo mu Itegeko Nshinga rishya Abanyarwanda bari bamaze kwemeza, harimo ingingo ya 76, 2° ivugako Abagore 24, ibyerekeye Umutwe w'Abadepite n'ya 82, 1°, nayo ivugako abantu 12, ibyerekeye Umutwe wa Sena ; batorwa na ziriya nzeho z'ibanze (ubu z'inzibacyuho kuko zatowe bishingiye kw'Itegeko Shingiro ryagengaga inzibacyuho nyine) ;

Amatora y'urwego rw'Inteko Ishinga Amategako, kubera ko bamwe mu barugize tumaze kuvugako mu gika kibanziriza iki, bagombaga gutorwa ku buryo buziguye ; kugira ngo bihuze n'ingingo y'167 n'ya 195 z'Itegeko Nshinga rishya ; amatora y'abagize ziriya nzeho z'Uturere, Imijyi na Komite z'Imirenge mu Ntara n'Umujyi wa Kigali, yagombaga kubanziriza itorwa rya bariya Badepite n'Abasenateri batorwa ku buryo buziguye kugira ngo koko ububasha bw'izo ntumwa mu Nteko butangwe n'abo rubanda bagiriye icyizere mu buryo budashingiye ku nzibacyuho kandi hari Itegeko Nshinga rishya rigomba gukurikizwa kuva rikimara gutangazwa mu igazeti ya Leta (reba ingingo y'203 yayo).

Mbese nkuko twatoye Imutwe ya Politiki nayo ikigenera abayihagarariye ikurikije amajwi yahawe n'abaturage, ni nako twagombaga kubanza gutorwa abagize inzeho z'ibanze zivugwa haruguru kugira ngo nazo zitoye abo zemererwa kohereza mu Nteko Ishinga Amategako (mu Mutwe w'Abadepite no mu Mutwe wa Sena).

Naho ubundi birakomeye gusobanura ukuntu inzeho z'inzibacyuho zishingiye kw'Itegeko Shingiro rimwe, zimwe zisimburwa bikurikije Itegeko Nshinga rishya, izindi ntizisimburwe kandi zikagira ububasha butangwa n'iri Tegeko Nshinga rishya. Nkaba kandi nibwira ko Itegeko rizigenga rivugwa mu ngingo y'167 igika cya kane, kugeza ubu ritarajyaho.

Bitoye kubera ko mu bubasha n'inshingano bya ziriya nzeho z'ibanze z'inzibacyuho, nta na hamwe zisabwa gutorwa abadepite cyangwa abasenateri ; ni ukuvugako izari kugira ubwo bubasha n'inshingano ni izari kuba zitowe nyuma yo kwemeza Itegeko Nshinga rishya bikurikije cyane cyane ingingo y'167, mu gika cyayo cya kabiri n'icya kane (Interuro ya VI, Ibyerekeye ubutegetsi bw'ibanze, Umutwe wa mbere : Ibyerekeye ingingo rusange). Izi nzeho zivugwa mu iri ngingo akaba ari nazo zivugwa mu ngingo ya 76, 2°, ya 82, 1° n'ya 85 by'Itegeko Nshinga rishya.

Icywa gatanu.

Ikibazo gikomeye ubu nuko Inteko Ishinga Amategeko imaze gutorwa igizwe n'ibice bibiri ; kimwe cyemewe kigendera kuri kamere y'Itegeko Nshinga rishya, n'ikindi kigendera kuri kamere y'inzibacyuho nkuko nabisobanuye. Ibi rero bikaba bishyira uru rwego rwose mu ngorane kuko ibyemezo byose rwafashe n'ibyo ruzafata byose, bishobora gukemangwa na rubanda ndetse n'abahanga mu by'amategeko kubera ko mu miterere yarwo yose, ku barugize bamwe Itegeko Nshinga rishya ritubahirijwe.

Icywa gatandatu.

Ngizi ingaruka zo kutumva abo mutavuga rumwe kandi nabo baba bagamije kubaka. Ubwanjye nkiri Umuyobozi w'Ishyamba PDC, mu w'2001, abagize ziriya nzego z'ibanze bajya gutorwa, umushinga w'itegeko rigenga amatora yabo, Minisitiri w'Ubutegetsi bw'Igihugu n'Imibereho Myiza y'Abaturage, igihe yawusobanuriraga abahagarariye Imitwe ya Politiki yari yemewe mu Rwanda, aniyama amashyamba yose ko abujijwe rwose kwivanga muri ayo matora, ngo kuko abo bantu atari abanyapolitiki ; kuri manda yabo, nerekaneye impungenge zo kubaha irenze inzibacyuho, ko bizatera ingorane kandi bikaba binyuranye n'iriya ngingo ya 87 y'Itegeko Shingiro ; ubwo byafashwe nk'aho ndwanya ubutegetsi FPR ibereye kw'isonga, nuko bikorera ibyo bashatse.

Ariko aya makosa yakozwe nkana bigenderewe kubera inyungu za bamwe bari babifitemo kandi byagaragaye mu matora ashize ; nyamara ntibiratinda kugira ingaruka ku nzego zimwe nkuru z'Igihugu ; ibyo akaba rero atari uguharanira imiyoborere myiza no gukunda Igihugu bihora bikangurirwa rubanda.

*Nibwira ko igihe nerekanaga impungenge mu w'2001, nabikoranye ubushake bwiza, ubwitonzi n'ubushishozi byubaka cyane cyane ko nari narakurikiranye by'umwihariko **Imishyikirano yageze ku Masezerano y'Amahoro ya Arusha yagizwe Itegeko Shingiro ryagengaga inzibacyuho** ; ndetse bikaba byaraje no kumviramo kwigizwayo burundu mu buyobozi bw'Igihugu no kwitwaga umwanzi w'Ubutegetsi FPR ikiyobora ; bikubitiraho no kumvutsa uburenganzira by'ibyo nakoreye bigenwa n'amategeko uko tariki ya 10 Werurwe 2003, nabigejeje mu Rukiko rw'Inama ya Leta na nubwira nkaba ntarabona igisubizo.*

*Ikindi kidakwiye mu rwego rw'amategeko, ni ukuvutsa rubanda uburenganzira rwarwo ruhabwa n'Itegeko Nshinga rishya rwitoyeye cyane cyane ubuvugwa mu ngingo ya mbere yaryo, igika cya kabiri aho igira iti : **« Ishingiro rya Repubulika ni ubutegetsi bwa rubanda, butangwa na rubanda kandi bukorera rubanda ».***

Icywa karindwi.

Intandaro y'ibyo byose ; ni ingengabihe y'amatora ya Perezida wa Repubulika n'ay'Abagize Inteko Ishinga Amategeko, byakozwe n'Ubutegetsi Nyubahirizategeko, bukurikira nkana amatora y'inzego z'ibanze yagombaga kubanziriza ayo matora yombi, kuko ari byo byari bihuye n'Itegeko Shingiro ryagengaga Inzibacyuho.

Abari bifujye kwiyamamariza umwanya wa Perezida wa Repubulika, kandi tukaba twaraje kubikora ; twari twasabye Ubutegetsi Nyubahirizategeko ko haba ibiganiriro hagati y'abakandida kugira ngo habe ubwumvikane ku ingengabihe y'amatora yose agomba kuvana inzego z'inzibacyuho mu nzibacyuho hakurikijwe Itegeko Nshinga rishya ; ariko twatwatsi, ubwo bituviramo gutotezwa no gufatwa nk'abandi kugeza ubu, ngo kubera ko twatinyutse kwiyamamariza uriya mwanya utsimbaraweho bikomeye kabone n'ibyo rubanda rwabishakaga ukundi rute ; bityo hibagirana uburenganzira busesuye buri mwenyigihugu afite mu gufata icyemezo cyo kwiyamamariza umwanya runaka mu gihe yujuje ibyangomwa bisabwa n'amategeko.

*Ahandi mu Itegeko Ngenga n°16/2003 ryo ku wa 27/06/2003 rigenga Imitwe ya Politiki n'Abanyapolitiki, Nyakubahwa Perezida wa Repubulika yashyizeho umukono ; ingingo yaryo ya 51, 12° igira iti : **« Gutoza abanyapolitiki n'abandi baturage umuco wo kubona ko uwo muhiganwa atari umwanzi ko ahubwo mwafatanyaga mu bitekerezo byubaka ».** Ariko mu rurimi rw'igifaransa niho bivugitse neza kurushaho **« Eduquer les politiciens et la population à la culture de la tolérance qui veut qu'un opposant ne soit pas considéré comme un ennemi mais plutôt comme un partenaire dans la construction du pays ».***

UMWANZURO.

• Iki kibazo kizakemuka gite ko gitangiye gututumba muri rubanda rumwe ? Ese inzego zagiteye mu rwego rw'amategeko ni zo zizagikemura zonyine cyangwa hakwiye Ubucamanza bwigenga kandi butavugirwamo bwabaza ibisobanuro bihamye Ubutegetsi Nyubahirizategeko kuri **iki kibazo cyo kumenya ububasha inzego z'ibanze z'inzibacyuho zifite mu gutora bariya Badepite 24 na bariya Basenateri 12 bari mu Nteko Ishinga Amategeko bishingiye kw'Itegeko Nshinga rishya ?**

• Birumvikana na none ko inzego z'Abayobozi babigizemo uruhare, atari bo bazahindukira ngo bicire urubanza kuko baba babaye ababuranyi n'abacamanza icyarimwe. Hagomba rero inzego n'Abayobozi badakemangwa kandi bigaragara ko batabigizemo uruhare ; bityo bagahabwa inshingano zo kugorora ibintu bitararushaho kuzamba.

• Uko mbibona ku giti cyanyje, iki kibazo gishobora kuba intandaro ikomeye yo gukurura amakimbirane muri rubanda muri rusange no mu banyapolitiki by'umwihariko ; cyane cyane iyo tuzirikanye ikibazo cy'ubutegetsi intugunda cyatye mu mateka y'u Rwanda.

No muri iyi nama navuze haruguru, bashingiye ku bamaze gushyirwa mu myanya nyuma y'amatora, byaganirwaho abantu bamwe bibaza abagomba kugabana cyangwa gusaranganya ubutegetsi. Bati ubugabanwa n'ubuho, kuva he kugeza he ? Ababujijwe ni bande kubera iki ? Cyane cyane hazirikanywe ihame ryo kubusaranganya nta bwikanyize rivugwa **mu ngingo ya 9, 3° y'Itegeko Nshinga rishya**. Bati rubanda bene ubutegetsi, rukwiye kumenya uko ubutegetsi bwawo busaranganywa cyangwa bugabanwa (kuko mu gifaransa handitse « **partage équitable du pouvoir** » hagati y'abenegihugu barugize. Bitagenze gutyo, byaba ari ukugaba nko hambere ; ibyo kandi bikaba binyuranye n'Itegeko Nshinga rishya.

Icyo kibazo muri icyo nama, cyakurawe na none cyane cyane no kwibaza ukuntu abayobozi bamwe bo muri MDR yasabiwe guseswa kubera ingengabitekerezo na bamwe bashinjwaga ivangura n'amacakubiri n'Inteko Ishinga Amategeko y'Inzibacyuho, bamwe mu bashinjwaga n'icyo Nteko, Guverinoma ikaza kubishimangira, ariko isaba ko buri wese ushinjwa, inzego z'Ubucamanza zasuzuma ukuri kuri buri wese ; nyuma rubanda igihe itaramenya icyo Ubucamanza bubivugaho, rwumva bamwe bashyizwe mu majwi, bashinzwe inzego z'ubuyobozi bw'ikirenga nyuma y'inzibacyuho. Ibi rero bikaba biteye ikibazo gikomeye muri rubanda ; ruti ese ni ukudukinisha cyangwa ? icyizere se cya bariya bakemangwaga kizashingira kuki, Ubucamanza babubujije gukora akazi kabwo ?

• Ese kuki icyo bamwe hari agakomeye, nta n'ibimenyetso bigaragara, bihutira kugezwa imbere y'Inkiko cyangwa guhezwa mu mabohero (prisons); ku rundi ruhande, abashinjwa ibyaha bya rutura, bikazinzikwa kandi byabwiwe rubanda ; ukureshya imbere y'amategeko biri he ? ko bimaze kugaragara ko amategeko ashirwaho, hari abo areba n'abo atareba ? Ibyo byo si ivangura n'amacakubiri bikorwa n'abayobozi bamwe ? Ibi bintu rwose bikwiye guhinduka no kubonerwa umuti vuba na bwangu kuko biri mu byo rubanda bahagurutse cyane cyane mu w'1990 bakarwanya inkundura ubutegetsi bwa MRND n'abambari bayo kugeza igihe buhenukiye nubwo bwashize bugarutse ingogo.

• Biramutse binaniranye se, ntihakwitabazwa buriya buryo buteganwa n'Itegeko Nshinga rishya mu Mahame Remezo yaryo, ingingo ya 9, 6° aho rigira riti : « **Gushaka buri gihe umuti w'ibibazo mu nzira y'ibiganiro n'ubwumvikane busesuye** » ; bityo hakaba hategurwa Urubuga rwaguye hagahuzwa abo bireba bose n'ababifitemo inyungu bose babangamiwe n'ariya makosa yakozwe huti huti kandi bigenderewe ?

• Ahasigaye naho Urukiko rw'Ikirenga rwacu, twifuriza kwigenga no kutavugirwamo, ariko rugakora neza byose rwuzuzanya n'izindi nzego nkuru z'Igihugu..

Kigali, ku wa 24 Ugushyirwa 2003

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