

C P D H P G : EMISSION DU 18.8 2017**THEME : IVYEREKEYE IVYAHA VY'IHONYABWOKO, IVYAHA BIKORERWA****IKIREMWA MUNTU N'IVYAHA VYO MU NTAMBARA.**

Mu kiganiro c'agateka ka zina muntu co kuri uno muni uri hejuru, tuza kwisunga iryo bwirizwa nyene, aho tuza kurabira hamwe ivyerekeye ivyaha vy'ihonyabwoko, ivyaha bikorerwa ikiremwa muntu n'ivyaha vyo mu ntambara. Tuza kurabira hamwe ibiri mu ngingo zo kuva ku ya 195 gushika ku ya 203.

Mu nkundire rero ncuti bagenzi namwe mwese mwahisemwo kwumviriza kino kiganiro c'agateka ka zina muntu, imbere yo kwinjira mw'ido n'ido nyezina ry'ikiganiro,tubanze tumire amate mu kwumviriza kano karirimbo katubwira ivy'agateka ka zina muntu,duheze tubandanye.

IDO N'IDO RY'IKIGANIRO

Nkuko ingingo ya 195 ibivuga icaha c'ihonyabwoko n' icaha gikorwa mu ntumbero yo gutikiza umurwi canke igice c'umurwi w'abenegihugu, abasangiye ubwoko, urukoba canke idini, muri ubu buryo bukurikira :

- 1° ukwica abasangiye umurwi ;
- 2° ugusinzikaza birenze urugero ubuzima bw'abantu canke guturubika abasangiye umurwi ;
- 3°Ugukandamiza abasangiye umurwi w'abantu mu buryo babaho bikaba ari vyo bibatuma batikira bose canke igice cabo ;
- 4° ugufata ingingo zibuza abasangiye umurwi ukurondoka
- 5° ukwimura abana ku nguvu bava mu murwi basangiye baja mu wundi.

Ivyaha vy'agahomerabunwa n'ivyaha bikorwa mu gitero gikuzako canke kidasobanura vyagizwe ku banyagihugu batari abarwanyi cari gisanzwe kizwi gifise inkurikizi zikurikira :

- Ubwicanyi,
- Uguhonya abantu
- Ugushira abantu mu buja,
- Ukwangaza canke ukwimura ku nguvu ababa mu gihugu,
- Ugupfunga canke ibindi vyose bibuza bimwe birenza urugero ukwishira n'ukwizana harenzwe ibitegekanijwe n'amategeko ngenderwako mpuzamakungu,
- Ugusinzikaza ubuzima,
- Ugusambanya ku nguvu, ugushira mu buja bw'ubusambanyi, uguhatira ku mwuga w'ubusambanyi, ugutera inda ku nguvu, ukugumbahisha ku nguvu canke ikindi caha cose gikomeye c'amabi ameze nk'ayo ajanye n'ugusambanya ku nguvu,
- Uguhana umurwi uwo ariwo wose canke umurwi w'abantu bafise ico basangiye, kubera imvo za politike, iz'urukoba, iz'ubwenegihugu, iz'ubwoko, iz'imico kama, iz'idini canke izifatiye ku gitsina nkuko bisiguwe mu ngingo ya 197 akarongo ka 10° canke hisunzwe ibindi bifatirwako bizwi ko bidashobora kwemerwa n'amategeko mpuzamakungu sentare ifitiye ububasha,
- Ukunyuruza abantu,
- Ivyaha vy'ukuvangura amoko,
- Izindi nyifato nk'izo z'ugufata ikiremwa muntu bunyamaswa, ibituma n'impaka haba ububabare bukomeye canke ugusinzikaza birenze urugero ubuzima bw'umuntu canke uguturubika.

Ingingo ya 197, nayo ivuga ko:

1° igitero ku banyagihugu batari abarwanyi gisigura ingendo ituma hakorwa amabi akorerwa abanyagihugu batari abarwanyi abo ari bo bose, mu gukurikiza canke

mu kubandanya intumbero ya politike ya reta canke y'ishirahamwe rifise umugambi w'ico gitero.

2° « uguhonya abantu », bisigura ugutegeka n'impaka abantu kubaho bataronka ibifungurwa n'imiti, mu ntumbero y'ugutikiza igice c'abanyagihugu.

3° « ugushira mu buja » bisigura ukwaka umuntu ububasha ubwo ari bwo bwose canke ubwo kugira uburenganzira kw'itongo no ku matunga harimwo n'urudandazwa rw'abantu cane cane rw'abagore n'abana.

4° « ukwangaza canke ukwimura ku nguvu abanyagihugu » bisigura ukwungururiza ku nguvu abantu mu kindi kibanza, mu kubirukana canke hakurikijwe ubundi buryo bw'inguvu bakava mu karere bari bafitiye uburenganzira bwo kubamwo, ata bituma vyemewe n'amategeko mpuzamakungu.

5° « ugusinzikaza ubuzima », bisigura ukubabaza umuntu ku mutima no ku mubiri birenze urugero n'impaka, acunzwe canke ari mu minwe y'uwundi, insiguro y'iryo jambo ntiyerekeye ububabare buturutse gusa ku bihano bitegekanijwe n'amategeko canke bukomoka kuri ivyo bihano.

6° « gutwaza inda ku nguvu », bisigura ugupfunga umukenyezi bidaciye mu mategeko yatewe inda ku nguvu muntumbero yo guhindura abagize amoko y'abanyagihugu canke kurenga ayandi mategeko mpuzamakungu, birenze urugero

7° « gutoteza » bisigura ukwima n'impaka uburenganzira ku mateka ngenderwako mu kurenga amategeko mpuzamakungu, bivuye ku karanga k'umurwi w'abantu canke akarere bavamwo. Twotanga akarorero ko gufata nk'umurwi w'abarimyi, bakabuzwa kurima mu matongo bafitiye uburenganzira.

8° « icaha co kuvangura amoko », gisigura amabi akorerwa ikiremwa muntu nk'uko vyavuzwe mu gahimba k'agace ka mbere, akorwa n'intwari ikurikiza amabwirizwa y'akarenganyon'agahotoro k'abantu basangiye urukoba, bagize

umurwi, ku bantu, ku wundi murwi canke iyindi mirwi y'abasangiye urukoba no mu ntumbero ya kugumiza ku butegetsi iyo ntwaro.

9° « ukunyuruza abantu », bisigura igihe abantu bahagarikwa, bagapfungwa canke bakanyuruzwa na reta canke ishirahamwe rya politike, canke iyo birekuwe n'iyi reta canke iryo shirahamwe, iyo reta igaca yanka kwemera ko abo bantu bapfungwa canke kumenyesha ico izobakoresha canke aho bapfungiwe, mu ntumbero yo bubakura aho amategeko abakingira mu kiringo kirekire.

10° ijambo « igitsina » risigura igitsina “gabo” canke igitsina gore hakurikijwe imibereho y'abantu. Nta nsiguro yindi rihabwa.

Ingingo ya 198, ivuga ko « ivyaha vyo mu ntambara » ari ivyaha bikorwa biteguwe canke biri mu rukurikirane rw'ivyaha bikomeye bifise isano bikorerwa abantu benshi cane cane.

1° icaha ico arico cose kiri mu vyaha bikomeye bitegekanijwe mu masezerano y'i Génève yo ku wa 12 myandangaro 1949 bikurikira :

- Ukwica umuntu n'impaka
- Uguzinzikaza ubuzima canke ugufata abantu bunyamaswa harimwo ukubageragezako ivy'ubushakashatsi.
- Ugutera n'impaka ububabare burenze urugero abantu canke ukubangamira amagara y'abantu birenze urugero,
- Ugusambura n'ukwigarurira amatungo atamvo ziboneka z'ibikorwa vya gisirikare bikorerwa mu karere kanini bitarekuwe n'amategeko kandi ata guhemana ;
- Uguhata n'impaka uwafatiwe ku rugamba canke umuntu akingiwe kuja gufasha kurwana mu ngabo z'abandi ;
- Ukubuza n'impaka uwafatiwe ku rugamba canke umuntu akingiwe uburenganzira bwiwe bwo gucibwa urubanza hisunzwe amategeko kandi ata guhengama ;

- Ukwangaza canke ukwimura ku nguvu canke ugupfunga hatisunzwe amategeko ;
- Ukugira imbohe

Ubundi buryo bwo kurenga bimwe bikomeye amategeko n'imigenzo yo mu ntambara z'ibihugu hakurikijwe intumbero y'amategeko mpuzamakungu, ni bumwe muri ubu bukurikira :

- Ugutera n'impaka abanyagihugu batari abarwanyi canke abanyagihugu batarabwa n'iyi ntambara bo yene ubwabo ;
- Ugutera n'impaka amatungo y'abanyagihugu batariko bararwana, ni ukuvuga amatungo aterekewe n'ibikorwa vya gisirikare ;
- Ugutera n'impaka abakozi, ivyubatswe, ibikoresho, imiduga ikoresheya mu mirimo yo gutabara imbabare canke yo kubungabunga amahoro hisunzwe amasezerano y'ishirahamwe mpuzamakungu ONU, iyo babifitiye uburenganzira bahabwa n'amategeko mpuzamakungu agenga intambara mu vyerekeye abanyagihugu batariko bararwana n'amatungo atari aya gisirikare ;
- Ukugira igitero n'impaka bizwi neza ko haza gupfa abanyagihugu batari ko bararwana, bagakomereka, amatungo atari ayagisirikare akononekara, ibidukikije bigahona mu karere kanini igihe kirekire vyibonekeza ko habaye ukurenza urugero mu buryo bwakoreshejwe hagereranjwe n'inyungu iboneka yari yitezwe ubwo nyene mu vya gisirikare ;
- Ukugira igitero canke ugusukira ama bombe hakoreshejwe uburyo ubwo ari bwo bwose kubisagara, ibigwati, inzu canke inyubakwa bidacungerewe n'abasirikare kandi bidakenewe mu bikorwa vya gisirikare.
- Ukwica canke ugukomeretsa umurwanyi mugihe yashize ibirwanisho hasi canke atagifise uburyo na bumwe bwo kwivuna, yishikanye ;

- Ugukoresha ata burenganzira ibimenyetso biranga inama nshingamateka, ibendera canke ibimenyetso vya gisirikare n'umwambaro uranga umwansi canke ishirahamwe mpuzamakungu ONU, n'ibimenyetso vyategekanijwe n'amasezerano y'i Génève, bigatuma abantu bahasiga ubuzima canke bakahakomerekerera bimwe bikomeye ;
- Ukwimura igice c'abanyagihugu batari abarwanyi bigizwe n'igihugu cigaruriye akarere kibikoze conyene canke kibicishije ku kindi gihugu, cimurira abanyagihugu baco aho cigaruriye, canke ukwangaza canke ukwimura abanyagihugu bose canke igice c'abahaba kibajana mu karere canke inyuma y'akarere cigaruriye ;
- Ukugira ibitero n'impaka ku nyubakwa zigenewe idini, inyigisho, ubuhinga kama, ubumenyi canke ibikorwa vy'ubugiraneza, ivyibutso vy'akahise ibitaro n'ibindi bibanza abarwanyi canke abakomeretse bakoranirijwemwo, ariko hadakorerwa ibikorwa vya gisirikare ;
- Uguca ibihimba vy'umubiri abantu bari mu minwe y'abatsinze, ukabagirako ubushakashatsi bwo kwa muganga canke bw'ubumenyi ubwo ari bwo bwose bidatumwe n'ukugomba kubavura, kuvura amenyo yabo canke kubavurira mu bitaro, bitagizwe kandi ku neza y'abo bantu, bituma abo bantu bapfa canke basinzikara ;
- Ukwica canke ugukomeretsa abantu kubera ubuhemu bituruka mu gihugu canke mu gisirikare c'abansi ;
- Ugutangaza ko bokwica bakuzako ;
- Ugusambura canke ugufata amatungo y'umwansi kiretse ivyo bibaye ngombwa kubera imvo z'intambara ;

- Ugutangaza ko amateka n'imanza vy'abenegihugu bo mu gihugu c'umwansi vyafuswe, vyahagaritswe vy'agateganyo canke bitahirwa n'ubutungane ;
- Uguhatira abenegihugu batewe gufasha mu ntambara yo gutera igihugu bakomokamwo n'aho boba bari basanzwe bakorera umwe mu barwana imbere yuko intambara itangura ;
- Ugusahura igisagara canke akandi karere n'aho vyoba vy'igaruriwe n'umuheto ;
- Ugukoresha uburozi canke ibirwanisho bicira ubumara ;
- Ugukoresha imyuka itwara impwemu, imyuka y'ubumara canke iyimeze nkayo, hamwe n'ibitemba nk'amazi n'ibindi bintu bihinguwe birimwo ubumara ;
- Ugukoresha amasase azimanganira canke ahoma mu mubiri ku buryo bworoshe, nk'amasase afise ibice vy'inyuma bidafudika ivy'imbere canke ajejaguye ;
- Ugukoresha ibirwanisho biterwa nk'injugujugu n'ubundi buhinga bw'ingwano butuma haba ingaruka mbi canke ibirwanisho bikuzako bitemewe n'amasezerano mpuzamakungu agenga intambara, mu gihe ivyo birwanisho ari vyo biterwa nk'injugujugu n'ubundi buhinga bw'ingwano bubujijwe kuri bose ;
- Ukutubahiriza agateka ka muntu, nk'ugufata bunyamaswa abantu.
- Ugusambanya ku nguvu, ugushira mu buja bw'ubusambanyi, uguhatira ku vy'umwuga w'ubusambanyi, gutera inda ku nguvu nk'uko bisiguwe mu ngingo ya 197 agahimba ka 6, ukugumbahisha ku nguvu canke ubundi buryo bw'ugukubagura bugize icaha gikomeye ;

- Ukugira inkinzo umunyagihugu atari umurwanyi canke uwundi muntu akingiwe kugira ngo ibibanza bimwe bimwe ntibigabwe ko ibitero vya gisirikare canke abasirikare ;
- Ukugira igitero n'impaka ku nyubakwa, ibikoresho, uburyo bwo kwunguruza abarwanyi kwa muganga ata kwibanga ko vyoba ivyerekezako ibikorwa vya gisirikare ;
- Ukugira igitero n'impaka ku yubakwa ; ibikoresho, uburyo bwo kwunguruza abarwayi kwa muganga n'abakozi babakoresha ;
- Ukwicisha umunanu n'ibigirankana abanyagihugu batariko bararwana nk'uburyo bwo kurwana intambara, mu kubima ibintu nkenerwa kugira babeho, harimwo n'ukubuza n'impaka ko barungikirwa imfashanyo zihutirwa zitegekanijwe n'amategeko mpuzamakungu ;
- Ukwinjiza abana bari musu y'imaka 15 mu ntwaramiheto z'ibihugu canke ukubakoresha bo nyene mu bikorwa vy'indwano.

Igihe habaye intambara zitari hagati y'igihugu, ukurenga amasezerano y'ingingo ya 3 igaruka mu masezerano y'i Génève yo ku wa 12 myandagaro 1949, agizwe n'ibi bikurikira bikorewe abantu batariko bararwana harimwo na bamwe mu ntwaramiheto bashize ibirwanisho hasi, n'abantu batagishobora kurwana kubera indwara, ugukomereka, ugupfungwa canke iyindo mvo :

1° ukutubahiriza ubuzima bw'umuntu, nk'ubwicanyi ubwo ari bwo bwose, uguca ibihimba vy'umubiri, ugufata bunyamaswa n'ugusinzikaza ubuzima ;

2° ukutubahiriza agateka ka zina muntu, nk'ugufata abantu bunyamaswa ;

3° Ukugira abantu imbohe ;

4° uguca ibihano n'ukubikurikiza ata rubanza rwahabaye rwaciwe na sentare yemewe n'amategeko.

Ubundi bubisha bujanye n'ukurenga bikomeye amategeko n'imigenzo bikurikizwa mu ntambara zitari hagati y'ibihugu, mu nzira yo kwubahiriza amategeko mpuzamakungu, nko mu bikorwa bikurikira :

1° ugutera n'impaka abanyagihugu batariko bararwana canke abanyagihugu batitwaje ibirwanisho, batarabwa n'iyi ntambara bonyene ubwabo.

2° ugutera n'impaka inyubakwa, ibikoresho uburyo bwo kwunguruza abarwaye kwa muganga, n'abakozi bafise ibimeyetso bibaranga, hisunzwe amategeko mpuzamakungu.

3° ugutera n'impaka abakozi, ivyubatswe, ibikoresho, imiduga ikoreshwa mu mirimo yo gutabara imbabare canke ngo kubungabunga amahoro hisunzwe amasezerano y'ishirahamwe mpuzamakungu, iyo babifitiye uburenganzira bahabwa n'amategeko mpuzamakungu agenga intambara mu vyerekeye abanyagihugu batariko bararwana n'amatungo atari aya gisirikare.

4° ukugira ibitero n'impaka ku nyubakwa zigenewe idini, inyigisho, ubuhinga kama ubumenyi canke ibikorwa vy'ubugiraneza, ivyibutso vyakahise, ibitaro n'ibindi bibanza abarwayi canke abakomeretse bakoranirijwemwo, igihe hadakorerwa ibikorwa vya gisirikare ;

5° ugusahura igisagara canke akandi karere n'aho vyoba vyagaruwe n'umuheto.

6° ugusambanya ku nguvu, ugushira mu buja bw'ubusambanyi, ugutera inda ku nguvu, uguhatira ku mwuga w'ubusambanyi nk'uko bisiguwe mu ngigo ya 197 akarongo ka 6, ukugumbahisha ku nguvu canke ubundi buryo bw'ugukubagura umuntu.

7° ukwinjiza abana bari muni y'imyaka 15 mu ntwaramiheto z'ibihugu canke ukubakoresha bo nyene mu bikorwa vy'indwano.

8° ukwimura abanyagihugu batariko bararwana kubera imvo zijanye n'intambara, kiretse iyo bitumwe n'umutekano wabo canke ibikorwa vya gisirikare.

9° ukwica canke ugukomeretsa kubera ubuhemu umurwanyi wo mu gisirikare c'abansi,

10° ugutangaza ko bokwica bakuzako

11° uguca ibihimba vy'umubiri abantu bari mu minwe y'abatsinze ukabagirako ubushakashatsi bwo kwa muganga canke mu vy'ubumenyi ubwo aribwo bwose bidatumwe n'ukugomba kubavura, kuvura amenyo yabo canke kubavurira mu bitaro, bitagizwe kandi ku neza y'abo bantu, bituma abo bantu bapfa canke basinzikara ;

12° ugusambura canke ugufata amatungo y'umwansi kiretse mu gihe ukwo kuyasambura canke kuyafata ari nkenerwa kubera intambara.

Ibi duhejeje kurabira hamwe, vyerekeye intambara zitari hagati y'ibihugu, ntivyerekeye ibihe vy'intureka n'imishamirano mu gihugu, nk'imigumuko, ibikorwa bitandukanye vy'ububisha, vyaba ibiba rimwe na rimwe canke ibindi bikorwa nk'ivyo. Vyerekeye gusa intambara ihuza mu gihe kirekire reta n'imirwi yitwaje ibirwanisho canke intambara hagati y'imirwi yitwaje ibirwanisho.

Ingingo ya 199, ivuga ko ata gitegekanijwe na kimwe mu mategeko kibuzza reta gucungera no kugarukana umutekano mu gihugu canke kurwanira ubumwe n'ubwigenge bw'igihugu mu buryo bwose bwemewe n'amategeko

Uwakoze canke uwafashije gukora icaha ico arico cose mu bikorwa bigize icaha c'ihonyabwoko, ivy'aha vy'agahomerabunwa n'ivyaha vyo mu ntambara, ahanishwa umunyororo wo gupfungwa ubuzima bwose.

Uwo ari we wese yiyumviriye canke yateguye icaha c'ihonyabwoko, icaha c'agahomerabunwa n'icaha co mu ntambara ahanishwa umunyororo wo gupfungwa ubuzima bwose.

Uwategetse canke yoheje ku mugaragaro gukora icaha c'ihonyawoko, icaha c'agahomerabunwa, icaha co mu ntambara ahanishwa umunyororo wo gufungwa ubuzima bwose.

Abantu canke amashirahamwe bagira icaha c'ihonyabwoko icaha kigirirwa ikiremwa muntu canke icaha co mu ntambara bahanishwa kimwe mu bihano vy'imperekeza biri mu ngigo ya 60 nayo ivuga ibihano vy'imperekeza bitari bike : Akarorero : * kubuza uwahanywe kuja mu bibanza bimwe bimwe nk'ibibuga vy'indege canke ahakoraniye abana batakwiza imyaka 18.

I. UGUSOZERA

Ncuti bagenzi namwe mwese twari kumwe muri kino kiganiro c'agateka ka zina muntu, twariko turabira hamwe ivyerekeye ivyaha vy'ihonyabwoko, ivyaha bikorerwa ikiremwa muntu n'ivyaha vyo mu ntambara .

Twabonye insiguro y'amajambo atari make akoreshwa mu vyaha bikorerwa ikiremwa muntu hamwe n'ibihano vyategekanijwe bihabwa uwagiriwe n'ico caha. Nta nkeka ko iki kiganiro cahaye ubumenyi abatari bake,kuko harimwo amajambo y'inkora mutima usanga kenshi turiko turakoresha tutazi neza insiguro yayo.

Nkundira rero ncuti bagenzi namwe mwese mwaduhaye akanya kanyu mukatwumviriza muri kino kiganiro c'agateka ka zina muntu,ikiganiro c'uno muni ndakigarukirize ngaha,kuko n'umwanya cagenewe urarangiye . Gédéon NINDAMUTSA nakibashikirije ndabasezeye.

-