



Amahame Ngenderwaho mu itangwa ry'amafagitire z'amasaha yakozwe n'imirimo ihemberwa ku bantu bafasha abaregwa biburanira

25 Gicurasi 2016

I. Ingingo rusange

1. Aya Mahame Ngenderwaho yerekeranye n'amafagitire y'abantu bashyizweho na Gerefiye ngo bafashe mu gutegura imyiregurire y'abaregwa biburanira, badafite ubushobozi bwo kwihembera abavoka mu Rwego Rwashyiriweho Inkiko Mpanabyaha Mpuzamahanga ("MICT").
2. Ibiro bya Gerefiye bifite inshingano yo gufasha uregwa wiburanira kubona ubufasha bwiza mu by'amategeko ari nako bikora ku buryo amafaranga ya rubanda acungwa mu buryo bunozze bityo bigabanye kuba yasesagurwa cyangwa agakoreshwa nabi. Haseguriwe ko hagomba kuba hari uburyo bwagenewe abantu bafasha abaregwa biburanira, kandi nk'uko biteganwa mu gika cya 36 cya *Politike yo guhamba abantu bafasha abaregwa biburanira, badafite ubushobozi bwo kwihembera abavoka mu Rwego Rwashyiriweho Inkiko Mpanabyaha Mpuzamahanga* no mu Ngingo ya 24 y'*Amabwiriza yerekeye ishyirwaho ry'abavoka bunganira abaregwa*, Gerefiye ategetse ko akazi gakozwe n'abafasha abaregwa biburanira kaba gashyize mu gaciro kandi ari ngombwa mu gufasha uregwa kugira uruhare mu iburanisha kandi ko amafagitire batanga agomba kugaragaraza uko gushyira mu gaciro no kuba ari ngombwa by'akazi kabo.
3. Amafagitire agomba kuba ari ay'imirimo yakozwe mu kwezi kumwe uherye ku munsu wa mbere umuntu yatangiye akazi mu kwezi kandi agomba gushyikirizwa Ibiro bya Gerefiye bidatinze, ariko bigakorwa mu gihe kitarenze iminsi 60 uherye ku munsu wa nyuma w'ukwezi akazi kakozwemo cyangwa w'ukwezi kwakoreshejwemo amafaranga yishyuzwa. Iyo amafagitire atanzwe igihe ntarengwa cyararenze, Ibiro bya Gerefiye ntibyishyura amafaranga yishyuzwa keretse hagaragajwe impamvu zifatika zatumye uko gukererwa kubaho.
4. Uregwa wiburanira cyangwa abantu bamufasha bagomba gutanga amafagitire ku mirimo yakozwe mu kwezi kandi abamufasha bese bagatangira hamwe ayo mafagitire kugira ngo kuyasuzuma byorohe ndetse n'imirimo n'amasaha buri wese yakozwe bisobanuke neza.
5. Mu guhamba abo bantu bafasha uregwa wiburanira, Ibiro bya Gerefiye bishyira, mu buryo butaziguye, kuri konti ya buri muntu. Buri muntu ufasha uregwa agomba guha Ibiro bya Gerefiye

amakuru yerekeranye na konti ye kandi abikora yandika ayo makuru kuri fomu yo muri Umoja ahabwa n'abakozi bo mu Biro bya Gerefiye, iyo amaze gushyirwa kuri iyo mirimo. Iyo fomu igomba gutangwa yujuje hose.

6. Uregwa wiburanira afite inshingano yo gukora ku buryo uburyo butangwa muri gahunda ya MICT y'ubufasha mu by'amategeko bukoreshwa mu buryo bunoze. Kubera iyo mpamvu, uregwa agomba kugenera neza imirimo abamufasha kandi akirinda ko hagira akazi kamwe gakorwa incuro zirenze imwe n'umuntu umwe umufasha cyangwa benshi.
7. Igenzura rikorwa n'Ibiro bya Gerefiye ku mikoreshereze y'amafaranga yagenewe ubufasha mu by'amategeko na ryo rikorerwa igenzura n'Ibiro by'Umuryango w'Abibumbye Bishinzwe Serivisi z'Igenzura muri uwo muryango. Ibiro bya Gerefiye bifite uburenganzira bwo gusaba ibisobanuro birambuye no gukora ubugenzuzi ku kazi kakozwe, kandi ibyo bishobora gutuma biba ngombwa ko hatangwa inyandiko z'ubwunganizi kugira ngo hakorwe igenzura ku kazi kakozwe. Ibiro bya Gerefiye bibika amafagitire y'ikipe y'ubwunganizi mu ibanga n'ubwo bishobora kuzereka abagenzuzi bakora mu Muryango w'abibumbye cyangwa aboherejwe nawo baturutse hanze. Ibiro bya Gerefiye ntibishobora na rimwe kwereka Ibiro bya Porokireri (OTP) cyangwa urundi rwego amafagitire cyangwa ibiyakubiyemo.

II. Gutanga amafagitire ku masaha yakozwe

8. Umuntu ufasha uregwa wiburanira agomba kuzuzwa iby'amafagitire ku nyandiko isanzwe ikoreshwa yerekeranye na fagitire maze akuzuzwa urupapuro rubanza rw'inyandiko ivuga iby'amafaranga asaba guhembwa. Umuntu ashobora kubona kopi za elegitoroniki azisabye abakozi b'Iburo bya Gerefiye ndetse akanazibona ku rubuga rwa interineti rwa MICT. Buri muntu ufasha uregwa agomba gusinya kuri urwo rupapuro rubanza kandi n'uregwa wiburanira na we agomba kurusinyaho. Iyo asinye iyo fagitire, uregwa wiburanira aba yemeje ko ari we wasabye ko akazi katangiwe fagitire gakorwa kandi ko umuntu umufasha yagakoze nk'uko bigaragara kuri fagitire.
9. Amafagitire agomba kuba arimo ibisobanuro birambuye ku kazi kakozwe kugira ngo byorohere umunyamategeko cyangwa undi muntu utari umunyamategeko gusuzuma ko akazi kakozwe n'amafaranga asabwa bishyize mu gaciro kandi ko ari ngombwa. Kuvuga, mu rwego rwa rusange, ngo "Gusoma inyandiko zimenyekanishwa" na "Kubaza abantu bashobora kuba abatangabuhamya" ntibifatwa nk'aho bisobanutse bihagije. Byongeye kandi, fagitire igomba kugaragaraho igihe cyakoreshejwe kuri buri gikorwa cyihariye ku munsu n'amasaha y'umunsu icyo gikorwa cyakozweho (Urugero: kubonana n'uregwa kuva saa tatu za mu gitondo kugera saa tanu na cumi n'itanu z'amanywa, amasaha abiri n'iminota cumi n'itanu).
10. Mu bisobanuro bisabwa hagomba kuba harimo:
 - ubwoko bw'inyandiko zagenzuwe, zasomwe, zakorewe ubushakashatsi cyangwa zasuzumwe (harimo n'interuro z'izo nyandiko n'amasaha zatangiweho n'abazitanze, aho ari ngombwa);
 - umubare w'amapaji ya buri nyandiko yagenzuwe, yasomwe cyangwa yasuzumwe (Urugero: amapaji 50 kuri 250 yasomwe);
 - impamvu rusange y'inyandiko yakozwe (Ndetse, igihe cyose bishoboka, umubare w'amapaji yanditswe);
 - amazina y'(abantu bashobora kuzaba) abatangabuhamya yabonye na bo cyangwa yabajije, amazina biswe cyangwa inyuguti zibanza z'amazina yabo n'ahantu iryo baza ryabereye;
 - ibyavuye muri ako kazi kakozwe (Urugero: umubare w'amapaji y'inyandiko yanditswe n'intoki muri uwo mubonano);
 - impamvu y'imibonano n'amabaruwa, uretse ibyo hagati ye n'uregwa (ibisobanuro byo mu rwego rwa rusange birahagije); na

- akamaro buri gikorwa gifite mu itegurwa ry'ukwiregura (iyo bitagaragarira muri icyo gikorwa ubwacyo).

11. Ibiro bya Gerefiye bishobora kwanga fagitire yose cyangwa igice cyayo iyo irimo ibintu bitagomba kwishyurwa. Ibiro bya Gerefiye byemera gusa ko hatangwa amafaranga ku gihe cyakoreshejwe mu bikorwa bihemberwa, ariko bikorwa iyo hari amafaranga yo guhemba ikipe y'ubwunganizi. Ibiro bya Gerefiye bishobora kandi kuba byanze ko umuntu ufasha uregwa wiburana ahembwa maze bikamusubiza fagitire kugira ngo atange ibindi bisobanuro. Iyo byanze kumuhemba kubera izo mpamvu zombie zimaze kuvugwa, Ibiro bya Gerefiye biha uwo muntu ufasha uregwa ifishi igaragaza impamvu byanze ko ahembwa, umubare w'amasaha byanze ko ahemberwa n'ibyo agomba kubahiriza kugira ngo ahembwe. Umuntu ufasha uregwa afite kugera ku minsi 30 ngo abe yatanze amakuru yasabwe kandi kuri iyo fishi ahabwa haba hariho igihe ntarengwa agomba kuba yatanzemo ayo makuru. Ibiro bya Gerefiye bifite uburenganzira bwo kwanga ko uwo muntu ahembwa iyo igihe ntarengwa cyagenwe kirangiye adatanze amakuru y'inyongera cyangwa atanze gusa amakuru atuzuye.

A. Ibikorwa bihemberwa

12. Ibikorwa Ibiro bya Gerefiye bishobora guhembera ibikorwa biri kuri lisiti ikurikira ariko si byo byonyine.

i. imibonano

Ibiro bya Gerefiye bishobora guhembera imibonano y'akazi yabaye hagati y'uregwa wiburana n'abantu bamufasha iyo fagitire igaragaza ko igihe cyakoreshejwe kuri ako kazi gishyize mu gaciro kandi ari ngombwa. Abantu bafasha uregwa wiburana bashishikarijwe gukora ku buryo umuntu umwe ari we ubonana n'abandi bantu batari uregwa (Urugero: umutangabuhamya cyangwa abantu bashobora kuba abatangabuhamya cyangwa Ibiro bya Porokireri). Umuntu wa kabiri ufasha uregwa ahemberwa ko yari muri uwo mubonano ari uko gusa agaragaje ko kuhaba kwe byari ngombwa kandi bishyize mu gaciro.

ii. Umunyamategeko wungirije

- Gufasha uregwa gutegura ibyifuzo n'imyanzuro

- Gusuzuma imyanzuro y'Ibiro bya Porokireri n'ubuhamya bwanditse bw'abatangabuhamya
- Kuganira n'uregwa
- Gufasha mu itegurwa ry'iburanisha
- Gukora ubushakashatsi ku bukemuramanza n'amahame ndakuka
- Gusuzuma inyandiko zimenyekanishwa, ubuhamya bwanditse n'inyandikomvugo z'iburanisha
- Gutegurira uregwa incamake y'inyandiko zimenyekanishwa n'iz'ubuhamya bwanditse
- Gukora amafagitire¹

iii. Umufasha mu by'amategeko

- Gufasha uregwa gutegura ibyifuzo n'imyanzuro
- Gusuzuma imyanzuro y'Ibiro bya Porokireri
- Gukora ubushakashatsi ku bukemuramanza n'amahame ndakuka
- Gusuzuma inyandiko zimenyekanishwa, ubuhamya bwanditse n'inyandikomvugo z'iburanisha no kubikorera incamake
- Gukora amafagitire

iv. Abapererezi

- Gushaka abantu bashobora kuba abatangabuhamya
- Kubaza abatangabuhamya
- Kwandika ubuhamya bwanditse
- Gutegura incamake z'ubuhamya bwanditse
- Gushaka ibimenyetso, kubikusanya no kubisuzuma
- Gukora raporo z'ubutumwa bagiyemo
- Gusuzuma ubuhamya bwanditse bw'abatangabuhamya bashinja
- Gukora amafagitire

v. Umukozi ucunga dosiye

- Gutunganya ibimenyetso gihamya
- Gushaka amakuru mu bimenyetso bimenyekanishwa, mu nyandikomvugo z'iburanisha no mu bubikoshingiro
- Gucunga uburyo bwo kubika inyandiko mu bwunganizi yandika ibimenyetso n'inyandiko zimenyekanishwa kandi abibika neza akurikije ubwoko bwabyo

¹ Ibiro bya Gerefiye byishyura amasaha atarenze abiri mu kwezi ku muntu ugize ikipe y'ubwunganizi ku gihe cyakoreshejwe mu gutegura amafagitire ku masaha ahemberwa mu kwezi.

- Gufotora no gufungura ibimenyetso gihamya kuri mudasobwa cyangwa gukora ku buryo inyangirakose zikenewe ziba zihari ngo zikoreshwe mu iburanisha
- Gukora amafagitire

vi. Abafasha mu by'indimi

- Gusemura mu mibonano no mu ibazwa ry'abatangabuhamya no mu mibonano hagati y'uregwa n'avoka we²
- Guhindura, mu rundi rurimi, inyangirakose n'ibindi bimenyetso bikenewe³
- Gukora amafagitire

vii. Impuguke

- Gukora ubushakashatsi bukenewe mu gutegura raporo y'impuguke
- Gutegura raporo y'impuguke
- Gukora indi mirimo ya ngombwa ngo afashe uregwa kumva inyangirakose zerekeranye n'urubanza n'ibimenyetso bijyanye n'ubumenyi bwe akoramo raporo
- Gukora amafagitire

B. Ibikorwa bidahemberwa

13. Ibiro bya Gerefiye bishobora kwanga guhembera akazi karenze agakenewe cyangwa gasubiramo ibyakozwe. Ibiro bya Gerefiye bishobora gufata imirimo isa yakozwe mu ndimi zitandukanye nk'aho yisubiramo. Mu bikorwa bidahemberwa harimo ibikurikira:

- Amasaha y'ingendo
- Amasaha y'ikiruhuko⁴
- Amafaranga rusange yatanze ku mirimo yo mu biro, iyo iyo mirimo yashyizwe kuri gafitire, nko gukoresha terefone, kwandika amabaruwa, kohereza amabaruwa yihuse, gufotora inyangirakose, kugura ibitabo, kugura ibinyamakuru, gukodesha ibiro byo gukorera, kugura ibikorere byo mu biro, imirimo y'ubunyamabanga, gutegura gusura gereza, gutegura ibyo gushaka za viza, gushaka ahantu ho kubika inyangirakose no/cyangwa kuzisenya n'amabaruwa ahererekanywa hagati y'uregwa n'Ibiro bya Gerefiye (Ingingo ya 24(C) y'Amabwiriza)

² Uretse ibiteganywa muri politike zikurikizwa kandi hakurikijwe Ingingo ya 19(4)(b) ya Sitati, igihe uregwa arimo kuvugana n'avoka, gusemura no guhindura inyangirakose bishobora guhemberwa, bityo amafaranga atanzwe akaba yiyongereye ku yagenwe ku bufasha mu by'amategeko.

³ Ni Kimwe no haruguru.

⁴ Iyo fagitire iriho amasaha (8) umuntu yakoze ariko ntigaragaze ko habayeho ikiruhuko, Ibiro bya Gerefiye bikura, muri ayo masaha, iminota 30 nk'igihe cy'ikiruhuko kitishyurwa.

- Gusoma ibitabo cyangwa inyandiko zisohoka mu binyamakuru (uretse ibice by'ibitabo byatanzwe nk'ibimenyetso cyangwa ibimenyetso gihamya cyangwa bifitanye isano itaziguye n'urubanza)
- Gusoma cyangwa gukora ubushakashatsi ku Mategeko remezo ya MICT, Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho icyahozeho ari Yugoslaviya ("ICTY") cyangwa Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda ("ICTR"), nk'urugero: Sitati; Amategeko Agenga Imiburanirishize n'Itangwa ry'Ibimenyetso; Amabwiriza ku ishyirwaho ry'abavoka bunganira abaregwa; Amategeko agenga gufunga; Politike ku bufasha mategeko y'Ibiro bya Gerefiye; Amabwiriza Ngengamikorere n'andi mategeko byatanzwe na MICT, TPIY cyanga TPIY
- Gushaka abantu bafasha uregwa mu kwiregura kwe