Politike yo guhemba abantu bafasha abaregwa biburanira, badafite ubushobozi bwo kwihembera abavoka mu Rwego Rwashyiriweho Inkiko Mpanabyaha Mpuzamahanga

Yemejwe ku itariki ya 25 Gicurasi 2016

IRIBURIRO

Gerefiye w'Urwego Rwashyiriweho Inkiko Mpanabyaha Mpuzamahanga;

NSHINGIYE ku Ngingo ya 19 ya Sitati ya MICT, nk'uko yemejwe n'Inama Ishinzwe Amahoro ku Isi mu Cyemezo cya 1966 (2010) cyo ku itariki ya 22 Ukuboza 2010;

NSHINGIYE ku Mategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso ya MICT, nk'uko yemejwe ku itariki ya 8 Kamena 2012 hashingiwe ku Ngingo ya 13 ya Sitati;

NSHINGIYE ku mahame, politiki n'imikorere yerekeranye n'ibikurikizwa mu guhemba mu Rukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda n'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho Icyahoze ari Yugosilaviya, n'ubukemuramanza bw'izo nkiko;

MAZE KUBONA ko iyi Politike igamije gutuma abaregwa biburanira, badafite ubushobozi bwo kwihembera abavoka, bagira uruhare mu manza baregwamo hashingiwe ku ngingo ya 1(2) na 1(3) ya Sitati;

MAZE KUBONA ko iyi Politike idashyiraho ubundi burenganzira na bumwe burenze ubuteganywa n'Ingingo ya 19 ya Sitati;

MAZE KUBONA ko igihe ibyerekeranye n'imikorere bidateganywa, ku buryo butaziguye, muri iyi Politike, hakurikizwa Amabwiriza yerekeranye n'ishyirwaho ry'abavoka bunganira abaregwa yashyizweho ku itariki ya 14 Ugushyingo 2012 n'ibindi byose bikurikizwa byashyizweho n'Ibiro bya Gerefiye aho bikenewe,

NEMEJE iyi Politike.

John Hocking
Gerefiye

Bikozwe uyu munsi, tariki ya 25 Gicurasi 2016
I La Haye
Ubuholandi.

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A. IBISOBANURO BY'AMAGAMBO

Muri iyi Politike, aya magambo asobanura ibi bikurikira:

Uregwa: Umuntu wese ushinjwa mu nyandiko y'ibirego yakozwe na TPIY, TPIR cyangwa MICT hashingiwe ku Ngingo ya 1 ya Sitati.

Ubujurire: Iburanisha ribera muri MICT hashingiwe ku Ngingo ya 23 ya Sitati.

Ishami: Ishami bireba rya MICT, Arusha cya i La Haye.

Urugereko: Urugereko rwa Mbere rw'Iremezo cyangwa rw'Ubujurire rwa MICT, cyangwa Umucamanza umwe rukumbi, nk'uko biteganywa n'Ingingo ya 12 ya Sitati.

Amategeko yerekeye Imyitwarire mu kazi: Amategeko yerekeye imyitwarire mu kazi y'abavoka bunganira abaregwa muri MICT, yatanzwe na Gerefiye ku itariki ya 14 Ugushyingo 2012.

Avoka: Umuntu washyizweho ngo yunganire uregwa udafite ubushobozi na na buke cyangwa buhagije, hashingiwe ku Ngingo ya 43 n'iya 44 z'Amategeko n'Ingingo ya 16(B) cyangwa 16(C) y'Amabwiriza.

CPI: Igipimo cyerekena ihindagurika cy'ibiciro mu Buholandi, nk'uko byemejwe na Komisiyo mpuzamahanga ishinzwe abakozi.

Ikipe y'ubwunganizi: Umuntu (abantu) Gerefiye yashyizeho cyangwa yemeye ko yunganira uregwa. Mu bagize Ubwunganizi hasbobora kuba harimo abanyamategeko bungirije, abafasha mu mategeko, abacunga dosiye, abapererezi, abafasha mu by'indimi, hakurikijwe uko ibintu biteye.

Amabwiriza: Amabwiriza yerekeye ishyirwaho ry'abavoka bunganira abaregwa, yashyizweho na Gerefiye ku itariki ya 14 Ugushyingo 2012, hashingiwe ku Ngingo ya 43 y'Amategeko, nk'uko yagiye ahindurwa.

Ibigenderwaho: Ibigenderwaho mu itangwa ry'amafagitire no mu bikorwa bishobora guhemberwa by'abantu bafasha abaregwa biburanira, yashyizweho na Gerefiye ku itariki ya 25 Gicurasi 2016, nk'uko azagenda ahindurwa.

TPIR: Urukiko Mpanabyaha Mpuzamahanga rushinzwe gucira imanza abantu bakekwaho kuba barakoreye mu Rwanda ibyaha bya jenoside cyangwa ibindi bikorwa binyuranyije bikomeye n'amategeko

mpuzamahanga arengera abantu mu gihe cy’intambara, n’Abanyarwanda bakekwaho kuba barabikoreye mu bihugu bituranye n’u Rwanda, hagati y’itariki ya 1 Mutarama 1994 n’iya 31 Ukuboza 1994, rwashyizweho n’Inama Ishinzwe Amahoro ku Isi mu cyemezo cyayo 955 cyo ku itariki ya 8 Ugushyingo 1994.

TPIY: Urukiko Mpuzamahanga rushinzwe gucira imanza abantu bakekwaho kuba barakoreye ibikorwa binyuranyije bikomeye n’amategeko mpuzamahanga arengera abantu mu gihe cy’intambara mu cyahoze ari Yugosolaviya guhera mu wa 1991, rwashyizweho n’Inama Ishinzwe Amahoro ku Isi mu cyemezo cyayo 827 cyo ku itariki ya 25 Gicurasi 1993.

MICT: Urwego mpuzamahanga rwashyiriweho kurangiza imirimo y’Inkiko Mpanabyaha, rwashyizweho n’Inama Ishinzwe Amahoro ku Isi mu cyemezo cyayo 1966 cyo ku itariki ya 22 Ukuboza 2010.

Inyandiko y’ubujurire: Inyandiko itanzwe n’umuburanyi hashingiwe ku Ngingo ya 133 y’Amategeko.

Politike: Iyi Politike yo guhemba abantu bafasha abaregwa biburanira badafite ubushobozi bwo kwihembera abavoka muri MICT.

Perezida: Perezida wa MICT washyizweho hashingiwe ku Ngingo ya 11 ya Sitati.

Icyiciro mbanzirizarubanza: Icyiciro cy’iburanisha kibera mu Rugereko, kuva uregwa yakwitaba Urukiko bwa mbere kugeza ku munsi atangiye kuburanishwa.

Porokireri: Porokireri wa MICT washyizweho hashingiwe ku Ngingo ya 14(4) ya Sitati.

Gerefiye: Gerefiye wa MICT washyizweho hashingiwe ku Ngingo ya 15 ya Sitati.

Ibiro bya Gerefiye: Urwego rwa MICT rushinzwe imirimo y’ubutegetsi bwa MICT n’indi itera inkunga Amashami yayo, nk’uko biteganywa n’Ingingo ya 15 ya Sitati, naho muri iyi Politike, bikavuga abakozi bo mu Biro bya Gerefiye bashinzwe, by’umwihariko, gucunga ibyerekeranye n’ubufasha mu by’amategeko.

Amategeko: Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso yemejwe na MICT hashingiwe ku Ngingo ya 13 ya Sitati, ku itariki ya 8 Kamena 2012, nk'uko yagiye ahindurwa.

Sitati: Sitati ya MICT yometse ku Cyemezo cya 1966 cy'Inama Ishinzwe Amahoro ku Isi cyo ku itariki ya 22 Ukuboza 2010, nk'uko yagiye ihindurwa.

Iburanisha mu rw'iremezo: Icyiciro cy'iburanisha mu rw'iremezo gitangira ku munsi wa mbere w'iburanisha rigapfundikrwa hatanzwe imyanzuro nsozarubanza mu magambo.

Muri iyi Politike, amagambo akoreshwa nta gutandukanya igitsina gore cyangwa igitsina gabo.

B. IBISABWA BY’IBANZE KUGIRA NGO UMUNTU YEMERERWE

1. Uregwa wiburanira basanze adafite ubushobozi na buke cyangwa buhagije ni we wenyine ushobora guhabwa abagize ikipe y’ubwunganizi n’impuguke bashyirwaho kandi bahembwa na MICT. Kubera iyo mpamvu, ibiteganyijwe mu Mabwiriza yerekeranye no kwemeza amikoro y’umuntu usaba guhabwa avoka uhembwa na MICT anareba abaregwa biburanira. Ibisabwa by’ibanze mu kwemeza ko uregwa atishoboye no gutanga amafaranga biteganywa mu Ngingo ya 7 n’iya 10 z’ayo Mabwiriza.

2. Muri iyi Politike, MICT ikurikiza ibyemejwe na TPIR cyangwa TPIY ko uregwa atishoboye, kereka habonetse amakuru mashya agaragaza ko uregwa afite amikoro ahagije yo kwihembera ikipe y’ubwunganizi bwe. Iyo TPIR cyangwa TPIY bitasuzumye niba uregwa adafite ubushobozi, MICT isuzuma amikoro uregwa afite, hashingiwe ku biteganywa mu Mabwiriza.

3. Muri iyi Politike, Ibiro bya Gerefiye bigena amafaranga yahembwa ubwunganizi kuri buri muntu Uregwa, hatitawe ku kumenya niba haragenwe amafaranga yo guhemba ubwunganizi bw’undi muntu waba uregwa muri urwo rubanza.

C. ABANTU BAHEMBWA

4. Abantu bashyirwaho n’Ibiro bya Gerefiye ngo bajye mu ikipe y’ubwunganizi bw’uregwa wiburanira ni bo bonyine bashobora guhembwa na MICT. Ibiro bya Gerefiye bihemba abantu bashyizweho bakora imirimo ikurikira, ariko bujuje ibisabwa ku bagize ikipe y’ubwunganizi bivugwa hasi mu Gice F, kandi bigakorwa hakurikijwe umubare ntarengwa w’abantu bagize ubwunganizi bahembwa n’amasaha yagenwe bagomba guhemberwa nk’uko biteganywa hasi mu Gice E:

- umunyamategeko wungirije;
- umufasha mu by’amategeko;
- umukozi ucunga dosiye;
- umupererezi; na
- umufasha mu by’indimi.

Uregwa ashobora kugena abantu bagomba kuba bagize ubwunganizi bwe, hapfa gusa kuba harimo umwe ukora imirimo yo gucunga dosiye mu cyiciro mbanzirizarubanza n'icy'iburanisha mu rw'iremezo.

5. Ibiro bya Gerefiye bishobora kandi gushyira mu bwunganizi bw'uregwa wiburanira impuguke (imwe cyangwa nyinshi) ariko bigakorwa hubahirizwa ibiteganywa mu Ngingo ya 24(B)(iii) na 24(B)(iv) y'Amabwiriza kandi hakurikijwe ibiteganywa mu gika cya 38(vi) hasi. Impuguke z'ubwunganizi zihembwa hashingiwe ku biteganywa mu gika cya 28 kandi, mu byerekeranye no guhemba, izo mpuguke ntizibarirwa mu bantu bagize ikipe y'ubwunganizi.

6. Abagize ikipe y'ubwunganzi n'impuguke bashyizweho n'Ibiro bya Gerefiye bahembwa hakurikijwe amafaranga yagenwe, ku isaha, ku bakozi bakora imirimo yunganira indi no ku mpuguke, nk'uko yatangajwe n'Ibiro bya Gerefiye.

D. GUSUZUMA URUSOBE RW'URUBANZA

7. Uburyo buhabwa uregwa bugenwa hashingiwe ku ntera y'urusobe rw'urubanza. Ibiro bya Gerefiye bisuzuma intera y'urusobe rw'urubanza kuri buri cyiciro cy'urubanza, kandi bubikora nyuma yo gusuzuma icyifuzo cyanditse cy'uregwa no kugisha inama Urugereko ruburanisha urwo rubanza. Ibiro bya Gerefiye bishobora no kugisha inama Ibiro bya Porokireri iyo bibaye ngombwa cyangwa bibisabwe n'uregwa.

8. Gerefiye ashobora kugena urusobe rw'urubanza mu buryo butandukanye mu cyiciro mbanzirizarubanza, mu cy'iburanisha mu rw'iremezo no mu cy'iburanisha mu bujurire kubera ko kubigena bigomba kujyana n'urusobe rw'ibibazo bishingiye ku byabaye n'ibyo mu rwego rw'amategeko bivuzwe mu cyiciro runaka, aho gushingira ku rubanza muri rusange.

9. Kugena intera y'ubusobe bw'urubanza mu cyiciro mbanzirizarubanza no mu cy'iburanisha mu rw'iremezo bishingira ku bintu bikurikira:

- umwanya uregwa yari afite, harimo uwo mu nzego za politike/igisirikare;
- umubare n'imiterere by'ibirego biri mu nyandiko y'ibirego;
- kureba niba urubanza rubyutsa ibintu bishya;
- kureba niba urubanza rurimo ahantu henshi hakorewe ibyaha (ingano y'ahantu ibivugwa mu rubanza byabereye);

- urusobe rw'ibivugwa bishingiye ku byabaye n'ibyo mu rwego rw'amategeko;
- umubare n'ubwoko bw'abatangabuhamya n'inyandiko zitangwa mu rubanza; na
- ikindi kintu cyose Ibiryo bya Gerefiye byashingiraho bifata icyemezo.

10. Kugena intera y'ubusobe bw'urubanza mu cyiciro cy'ubujurire bishingira ku bintu bikurikira:

- umwanya uregwa yari afite, harimo uwo mu nzego za politike/igisirikare;
- umubare n'imiterere y'ingigo z'ubujurire;
- kureba niba Ibiro bya Porokireri cyangwa undi muntu ureganwa n'uregwa barajuriye, ku buryo ubujurire bugira ingaruka ku uregwa;
- kureba niba ubujurire bubyutsa ibibazo bishya byo mu rwego rw'amategeko bitavugwaho mu bukemuramanza, no kureba imiterere y'ibyo bibazo bishya;
- urusobe rw'ibibazo bishingiye ku byabaye n'ibyo mu rwego rw'amategeko bivugwa;
- indeshyo n'inyandiko y'urubanza mu rw'iremezo;
- umubare n'ubwoko bw'inyandiko, ibimenyetso gihamya n'abatangabuhamya bakenerwa mu bujurire;
- igihano cyatanzwe n'Urugereko rwa Mbere rw'Iremezo; na
- ikindi kintu cyose Ibiryo bya Gerefiye byashingiraho bifata icyemezo.

11. Hashingiwe kuri ibyo bintu bivuzwe haruguru, Ibiro bya Gerefiye bishyira urubanza mu Ntera ya mbere (Rukomeye), Intera ya kabiri (Rukomeye cyane) cyangwa Intera ya gatatu (Rukomeye cyane kurushaho).

E. KUGENA AMASAHA KURI BURI NTERA

i. Icyiciro mbanzirizarubanza

12. Icyiciro mbanzirizarubanza gitangira iyo uregwa yitabye Urukiko bwa mbere kikarangira iburanisha mu rw'iremezo ritangiye. Hagenwa umubare ntarengwa w'amasaha n'abantu ku buryo bukurikira:

(a) <u>Intera ya mbere</u>: Amasaha atarenga 150 mu kwezi ku muntu ugize ikipe y'ubwunganizi ariko ntibarenge babiri, kandi ntibirenge amasaha 3. 000 mu cyiciro mbanzirizarubanza cyose;

(b) <u>Intera ya kabiri</u>: Amasaha atarenga 150 mu kwezi ku muntu ugize ikipe y'ubwunganizi ariko ntibarenge batatu, kandi ntibirenge amasaha 4.500 mu cyiciro mbanzirizarubanza cyose;

(c) <u>Intera ya gatatu</u>: Amasaha atarenga 150 mu kwezi ku muntu ugize ikipe y'ubwunganizi ariko ntibarenge batanu, kugera ku masaha atarenga 6.000 mu cyiciro mbanzirizarubanza cyose.

13. Byongeye kandi, Ibiro bya Gerefiye bihembera umuntu ugize ikipe y'ubwunganizi amasaha yose yakoze mu cyiciro mbanzirizarubanza, iyo Urugereko rwahaye uwo muntu, bisabwe n'uregwa, uburenganzira bwo kujya mu iburanisha mu nyungu z'uregwa. Amasaha y'iburanisha ku wundi muntu, uwo ari we wese, ugize ikipe y'Ubwunganizi abarirwa mu masaha agenwa mu gika cya 12, bitewe n'urusobe rw'urubanza.

ii. Iburanisha mu rw'iremezo

14. Icyiciro cy'iburanisha mu rw'iremezo gitangira ku munsi wa mbere w'iburanisha rikarangirana n'itangwa ry'imyanzuro nsozarubanza mu magambo. Hagenwa amasaha ntarengwa mu buryo bukurikira:

(a) <u>Intera ya mbere</u>: Amasaha atarenga 150 mu kwezi ku muntu ugize ikipe y'ubwunganizi ariko ntibarenge babiri, kandi ntibirenge amasaha 300 mu kwezi mu gihe cyose cy'iburanisha;

(b) <u>Intera ya kabiri</u>: Amasaha atarenga 150 mu kwezi ku muntu ugize ikipe y'ubwunganizi ariko ntibarenge batatu, kandi ntibirenge amasaha 450 mu kwezi mu gihe cyose cy'iburanisha;

(c) <u>Intera ya gatatu</u>: Amasaha atarenga 150 mu kwezi ku muntu ugize ikipe y'Ubwunganizi ariko ntibarenge batanu, kandi ntibirenge amasaha 750 mu kwezi mu gihe cyose cy'iburanisha.

15. Amasaha y'iburanisha ku bantu bose bagize ikipe y'ubwunganizi, barimo n'undi muntu wese Urugereko rwahaye uburenganzira bwo kujya mu iburanisha, abarirwa mu masaha yose ntarengwa ateganywa mu gika cya 14.

16. Iyo, nyuma y'itangwa ry'ibimenyetso bishinjura, habonetse impamvu zikomeye zishingiye ku byabaye cyangwa zo mu rwego rw'amategeko zituma habaho akazi kenshi gakeneye gukorwa hagati y'itangwa ry'imyanzuro nsozarubanza mu magambo n'isomwa ry'urubanza mu rw'iremezo, uregwa ashobora gutanga icyifuzo gishyize mu gaciro asaba ko ubwunganizi buhemberwa amasaha bwakoresheje muri ako kazi kugira ngo Ibiro bya Gerefiye bugisuzume. Icyo cyifuzo kigomba kuba cyanditse kandi gisobanura akazi gakeneye gukorwa, ikigereranyo cy'igihe gikenewe ngo buri murimo ukorwe ndetse n'impamvu ako kazi katashoboraga gukorwa mbere y'uko ubwunganizi burangiza gutanga ibimenyetso bishinjura. Kugira ngo icyo cyifuzo gisuzumwe neza, Gerefiye ashobora gusaba uregwa gutanga amakuru y'inyongera n'inyandiko zibyemeza. Gerefiye ashobora gusaba Urugereko rwa Mbere rw'Iremezo amakuru ku kazi gakeneye gukorwa. Ibiro bya Gerefiye bishobora kugena amasaha atarenga 50 mu kwezi kugira ngo ako kazi gakorwe.

iii. Ubujurire

17. Ubujurire bugizwe n'ibyiciro bitatu: Icyiciro cya mbere – inyandiko y'ubujurire, Icyiciro cya kabiri– imyanzuro mu bujurire, n'Icyiciro cya gatatu –iburanisha mu bujurire.

18. Iyo hagenwe amasaha ntarengwa ikipe y'Ubwunganizi yose ishobora guhemberwa ku cyiciro runaka, uregwa agomba kubanza kwemeza amasaha yose buri muntu ugize iyo kipe y'ubwuganizi agenerwa gukora ngo azayahemberwe.

Icyiciro cya mbere (Inyandiko y'ubujurire)

19. Icyiciro cya mbere gitangira ku munsi ukurikira itangwa ry'inyandiko y'urubanza mu rw'iremezo maze kikarangira ku munsi uregwa atangiyeho inyandiko y'ubujurire hashingiwe ku Ngingo ya 133 y'Amategeko. Iyo umuntu wahamwe n'icyaha adatanze inyandiko y'ubujurire, icyiciro cya mbere kirangira iyo itariki ntarengwa yo gutanga ubujurire igeze.

20. Icyiciro cya kabiri kireba gusa ikipe y'ubwunganizi bw'abantu bahamwe n'icyaha. Muri icyi cyiciro, kugena amasaha ntibishingira ku ntera y'urusobe rw'urubanza. Hagenwa umubare ntarengwa w'amasaha n'abantu ku buryo bukurikira:

a. iyo uregwa adatanze inyandiko y'ubujurire, hagenwa amasaha atarenga 50 ku bantu batarenze babiri bagize ikipe y'ubwunganizi kugira ngo hakorwe imirimo irimo gusuzuma inyandiko y'urubanza mu rw'iremezo no kureba niba hashobora kubaho impamvu z'ubujurire cyangwa ubujurire bwuririye ku bw'undi muburanyi no kugira inama uregwa; cyangwa

b. iyo uregwa atanze inyandiko y'ubujurire, hagenwa amasaha atarenga 300 ku bantu batarenga babiri bagize ikipe y'ubwunganizi, kugira ngo hakorwe imirimo yose yerekeranye no gutegura no gutanga inyandiko y'ubujurire.

Icyiciro cya kabiri (imyanzuro y'ubujurire)

21. Icyiciro cya kabiri gitangira umunsi ukurikira uwo icyiciro cya mbere kirangiriyeho kandi kirangira hatanzwe imyanzuro ya nyuma nk'uko biteganywa n'Ingingo ya 138, iya 139 cyangwa iya 140 z'Amategeko, cyangwa hatanzwe indi myanzuro usubiza, biramutse bisabwe n'Urugereko, cyangwa iyo igihe ntarengwa cyo gutanga iyo myanzuro kirangiye.

22. Icyiciro cya kabiri kireba amakipe y'Ubwunganizi bw'abantu bahamwe n'ibyaha n'amakipe y'Ubwunganizi bw'abantu bagizwe abere basubiza ubujurire bwa Porokireri. Muri iki cyiciro, kugena amasaha ntarengwa bishingira ku rusobe rw'ubujurire.

23. Iyo Ibiro bya Gerefiye bitaragena intera y'urusobe rw'urubanza mu buryo buvugwa haruguru, ibyo Biro bishyira, by'agateganyo, buri rubanza mu Ntera ya mbere kugira ngo amafaranga akoreshwa mu bujurire akomeze gutangwa. Ibiro bya Gerefiye bishobora gufata icyemezo cyo gushyira, by'agateganyo, ubujurire mu Ntera ya kabiri, iyo uregwa abisabye igihe atanze icyifuzo ku rusobe rw'urubanza cyangwa abisabye mbere yaho kandi ibyo bikorwa iyo ukibona ibimenyetso byashyikirijwe Ibiryo bya Gerefiye uhita usanga bishoboka ko ubwo bujurire bwashyirwa mu ntera y'urusobe iruta Intera ya mbere. Iyo nyuma yaho, ubujurire bushyizwe mu ntera isumba iyo bwari bwarashyizwemo by'agateganyo cyangwa iri munsi yayo, Ibiro bya Gerefiye bihindura amasaha ntarengwa yagenwe ku cyiciro cya kabiri.

24. Iyo ibiro bya Gerefiye bimaze kugena intera y'urusobe ku Cyiciro cya kabiri, hagenwa amasaha ntarengwa akurikira:

(a) Intera ya mbere: amasaha atarenga 100 mu kwezi ku muntu ugize ikipe y'ubwunganizi ariko ntibarenge babiri, kandi ntibirenge amasaha 600 ku Cyiciro cya kabiri cyose;

(b) Intera ya kabiri: Amasaha atarenga 100 mu kwezi ku muntu ugize ikipe y'Ubwunganizi ariko ntibarenge batatu, kandi ntibirenge amasaha 750 ku Cyiciro kabiri cyose;

(c) Intera ya gatatu: Amasaha atarenga 100 mu kwezi ku muntu ugize ikipe y'Ubwunganizi ariko ntibarenge bane, kandi ntibirenge amasaha 1.050 ku Cyiciro cya kabiri cyose.

Icyiciro cya gatatu (Iburanisha mu bujurire)

25. Icyiciro cya gatatu gitangira umunsi ukurikira uwo Icyiciro cya kabiri kirangiriyeho maze kikarangira urubanza rusomwe mu bujurire. Kuri iki cyiciro, kugena amasaha ntarengwa ntibishingira ku rusobe rw'urubanza.

26. Ku Cyiciro cya gatatu, hagenwa amasaha atarenga 150 ku bantu batarenze batatu bo mu ikipe y'ubwunganizi. Muri aya masaha harimo imirimo yose yakorwa muri icyo cyiciro, irimo gufasha uregwa gutegura iburanisha mu bujurire (Ingingo ya 141 y'Amategeko), kuganira n'uregwa, gutanga icyifuzo icyo ari cyo cyose n'ibisubizo ku byifuzo aho ari ngombwa, kuvugana n'avoka w'undi muntu uregwa muri urwo rubanza, iyo ahari, ndetse no kuvugana n'Ibiro bya Porokireri n'Ingereko.

27. Byongeye kandi, Ibiro bya Gerefiye bihemba umukozi umwe w'ikipe y'ubwunganizi ku masaha yose y'ubujurire, iyo Urugereko rwahaye uregwa uruhushya rwemerera uwo mukozi kujya mu iburanisha ku nyungu z'uregwa. Amasaha y'iburanisha ku bandi bantu bagize ikipe y'ubwunganizi abarirwa mu masaha ntarengwa avugwa mu gika cya 26.

iv. Impuguke

28. Ibiro bya Gerefiye bishobora kugena amasaha atarenga 150 impuguke zishobora guhemberwa ku mirimo zakoze mu cyiciro mbanzirizarubanza n'amasaha atarenga 150 impuguke zishobora guhemberwa ku mirimo zikoze mu cyiciro cy'iburanisha mu rw'iremezo. Iyo abisabye mu nyandiko, uregwa ashobora kwemererwa gukoresha, mu cyiciro cy'iburanisha, amasaha impuguke itakoresheje mu cyiciro mbanzirizarubanza. Ibiro bya Gerefiye bishobora kongera amasaha ntarengwa yagenwe ku mpuguke mu cyiciro runaka, iyo uregwa agaragaje ko hari impamvu zidasanzwe zituma akenera ayo masaha.

v. Ibiro byo gukoreramo

29. Ibiro bya Gerefiye biha ubwunganizi ahantu ho gukorera mu cyiciro cy'iburanisha, kandi byaba bishyize mu gaciro ndetse ari ngombwa, bikanabuha, ku masaha yagenwe, ahantu ho gukorera mu cyiciro mbanzirizarubanza no mu cy'ubujurire, hakurikijwe uko Gerefiye yabigennye.

vi. Guhindura amasaha yagenwe

30. Ibiro bya Gerefiye bishobora guhindura amasaha ntarengwa yagenwe mu kwezi ku muntu wo mu ikipe y'ubwunganizi, iyo uregwa atanze icyifuzo cyumvikana kigaragaza ko hakenewe undi muntu umwe cyangwa abantu bo gukora igihe kirenze amasaha ntarengwa yagenwe ku muntu mu kwezi runaka. N'ubwo amasaha yagenwe mu kwezi agabagabanywa mu bagize ikipe y'ubwunganizi, guhindura amasaha, biteganywa muri iki gika, ntibigira icyo bihindura ku masaha ntarengwa yose yagenwe mu kwezi cyangwa ku cyiciro cyose.

31. Ibiro bya Gerefiye bishobora kongera amasaha ntarengwa yose yagenwe mu kwezi cyangwa amasaha yose yagenwe ku cyiciro mbanzirizarubanza, icy'iburanisha cyangwa icy'ubujurire. Cyakora, mu kubikora ruzirikana intera y'urusobe kandi bigakorwa ari uko uregwa atanze icyifuzo cyumvikana. Muri icyo cyifuzo, uregwa agomba kugaragaza ko hari ibintu bitari byitezwe, uregwa n'ikipe y'ubwunganizi bwe budafite icyo bwakoraho ku buryo bifite ingaruka nini ku myiteguro ikenewe mu buryo bushyize mu gaciro. Mu gufata icyemezo kuri icyo cyifuzo, Ibiro bya Gerefiye bishobora kugisha inama Urugereko ruburanisha urwo rubanza ku byerekeranye n'imiterere y'ibyo bintu n'ingaruka bifite ku itegurwa

ry'ukwiregura k'uregwa. Kuba ubwunganizi bwashirirwa n'uburyo bufite, si byo ubwabyo, byatuma amasaha yagenwe yongerwa.

32. Ibiro bya Gerefiye bishobora kongera umubare ntarengwa w'abagize ikipe y'ubwunganizi bahembwa, ariko ntibihindure intera y'urusobe ndetse, mu bihe bimwe na bimwe, bishobora kongera umubare ntarengwa w'amasaha yagenwe mu kwezi cyangwa amasaha yose yagenwe ku cyiciro. Ibiro bya Gerefiye bubikora ari uko uregwa atanze icyifuzo cyumvikana kigaragaza ko hari impamvu zituma kongera uwo mubare ari ngombwa. Muri izo mpamvu harimo kuba hakorwa amasaha arenga amasaha ntarengwa yagenwe mu kwezi cyangwa amasaha yose yagenwe ku cyiciro mbanzirizarubana, icy'iburanisha cyangwa icy'ubujurire, cyangwa kuba ari ngombwa ko umuntu ugize iyo kipe akora indi mirimo y'inyongera, nko guhindura inyandiko mu rundi rurimi cyangwa gukora iperereza.

33. Guhindura cyangwa kongera umubare wagenwe, hashingiwe ku bivugwa kuva mu gika cya 30 kugera ku cya 32 bigomba gusabwa no kwemerwa mbere y'uko ako kazi gakorwa. Iyo ako kazi gakozwe uruhushya rutaratangwa, Ibiro bya Gerefiye bishobora kwanga ko ubwunganizi bugahemberwa amafaranga yose cyangwa igice cyayo. Cyakora, Ibiro bya Gerefiye bishobora gukora irengayobora, iyo uregwa agaragaje ko hari impamvu zihutirwa zari gutuma gusubika ako akazi hategerejwe ko umubare wagenwe uhindurwa cyangwa wongerwa byashoboraga kugira ingaruka zitari nziza mu gutegura imyiregurire y'uregwa.

34. Nyuma yo kugisha inama Urugereko bireba, Ibiro bya Gerefiye bishobora, bibyibwirije, kureba niba kugabanya umubare wagenwe ari ngombwa. Ibiro bya Gerefiye bibaza uregwa icyo abitekerezaho mbere yo kugira icyemezo byafata hashingiwe ku biteganywa muri iki gika.

vii. Gutanga fagitire

35. Buri kwezi, buri muntu ugize ikipe y'ubwunganizi washyizweho ashyikiriza Ibiro bya Gerefiye amafagitire ku masaha yakoze. Impuguke z'ubwunganizi zo zitanga fagitire iyo zimaze kurangiza akazi zashinzwe. Ibyo ari byo byose, amafagitire agomba gutangwa mu minsi 60 uhereye ku munsi wa nyuma w'ukwezi akazi kakozwemo, nk'uko biteganywa mu Bigenderwaho. Uregwa agomba kwemeza, asinya ku mafagitire, ko imirimo iyavugwamo

yakozwe abitangiye amabwiriza kandi ko iyo mirimo yerekeranye, mu buryo butaziguye, n'itegura cy'urubanza.

36. Mu gusuzuma amafagitire atangwa buri kwezi, Ibiro bya Gerefiye bireba ko:

(a) amafagitire arimo amakuru arambuye ku kazi kakozwe, igihe cyakoreshejwe kuri buri gikorwa ku munsi, amasaha y'umunsi icyo gikorwa cyakozwemo n'andi makuru asabwa mu Bigenderwaho;
(b) akazi kakozwe na buri muntu ugize ikipe y'ubwunganizi gasobanurwa bihagije kugira ngo hagaragazwe ko kerekeranye, ku buryo butaziguye, n'urubanza; kandi ko
(c) akazi kavugwa n'ikipe y'ubwunganizi kakozwe koko.

37. Iyo Ibiro bya Gerefiye bidashidikanya ko akazi kakozwe kumvikana kandi ko kari ngombwa kugira ngo uregwa ashobore kujya mu iburanisha, ndetse ko amasaha yatangiwe fagitire hubahirijwe ibiteganywa muri iyi Politike, icyo gihe byemera ko amafaranga yishyurwa, mu buryo butaziguye, anyujijwe kuri konti y'umuntu ugize ikipe y'ubwunganizi cyangwa kuri konti y'impuguke.

F. IBYO UMUNTU AGOMBA KUBA YUJUJE KUGIRA NGO ASHYIRWE MU IKIPE Y'UBWUNGANIZI

38. Kugira ngo umuntu ashirwe mu ikipe y'ubwunganizi bw'uregwa wiburanira, agomba kuba nibura yujuje ibintu bikurikira[1]:

i. Umunyamategeko wungirije

Kugira ngo umuntu yitwe umunyamategeko wungirije, agomba kugaragaza ko:

- yemerewe gukora imirimo mu byerekeranye n'amategeko mu gihugu runaka cyangwa ari umwarimu w'amategeko muri kaminuza, cyangwa afite impamyabushobozi ihanitse mu by'amategeko;

[1] Umugereka urimo imirimo ikorwa yabagize ikipe y'ubwunganizi.

- afite nibura imyaka itatu y'uburambe mu kazi mu byerekeranye n'imanza z'inshinjabyaha;

- ko atigeze ahamwa n'icyaha mu rubanza urwo ari rwo rwose rw'inshinjabyaha;

- ko atahamwe n'icyaha mu manza zerekeranye na disipulini yaburanishijwemo ahantu yemerewe gukora imirimo yerekeranye n'amategeko cyangwa ngo ahamwe icyo cyaha n'urwego rushinzwe disipulini rw'ikindi gihugu, icyo ari cyo cyose, cyangwa urukiko mpuzamahanga;

- atagize, mu mwuga we cyangwa ahandi, imyitwarire y'ubuhemu cyangwa indi yatuma atakaza icyizere nk'umunyamategeko wungirije, ku buryo byabangamira imicungire y'ubutabera cyangwa bishobora kugabanya icyizere rubanda ifitiye MICT cyangwa icyizere rubanda ifite mu micungire y'ubutabera, cyangwa bishobora guhindanya isura ya MICT;

- ataratanze amakuru y'ibinyoma cyangwa ayobya ku byerekeranye no kuba yujuje ibisabwa kugira ngo yemererwe gukora akazi no kuba ashoboye kugakora igihe bikenewe, cyangwa ataratanze amakuru kuri ibyo bintu;

- yarakoze ikizamini cyanditse n'icyo mu magambo muri rumwe mu ndimi ebyiri zikoreshwa na MICT kugira ngo harebwe niba ashoboye akazi, keretse Ibiro bya Gerefiye bisanze kudakora icyo kizamini biri mu nyungu z'ubutabera. Bimwe mu bintu Ibiro bya Gerefiye bizirikana mu kudasaba ko icyo kizamini gikorwa ni ukureba niba hari undi munyamategeko wungirije wahawe akazi amaze gukora ikizamini cyanditse n'icyo mu magambo muri rumwe mu ndimi zikoreshwa na MICT; kandi ko

- yiyemeje gukurikiza ibigenderwaho mu myitwarire y'abavoka mu kazi kabo nk'uko bivugwa mu Mabwiriza agenga imyitwarire y'abavoka mu kazi kabo. Muri ibyo bintu harimo ko umunyamategeko wungirije agomba kumenyesha Ibiro bya Gerefiye niba hari icyahindutse mu bimaze kuvugwa haruguru.

ii. Umufasha mu by'amategeko

Umufasha mu by'amategeko agomba kuba afite impamyabushobozi ihanitse ya kaminuza mu by'amategeko cyangwa mu yandi masomo bifatanye isano (urugero: ubumenyi bw'ibyaha n'abanyabyaha). Agomba kandi kuba afite nibura umwaka umwe w'uburambe mu kazi, mu by'amategeko.

iii. Umukozi ucunga dosiye

Umukozi ucunga dosiye agomba kuba afite nibura impamyabumenyi y'amashuri yisumbuye cyangwa iyo bihuye, azi gukoresha mudasobwa na za porogaramu zayo zikoreshwa mu mirimo ya MICT, afite ubunanararibonye n'ubumenyi buhagije mu mirimo ikorerwa mu biro harimo no kuba ashobora gucunga inyandiko nyinshi. Agomba kandi kuba akoresha rumwe mu ndimi zikoreshwa na MICT.

iv. Umupererezi

Umupererezi agomba kuba afite impamyabushobozi ya kaminuza cyangwa impamyabumenyi mu iperereza ry'ibyaha yahawe na polisi y'igihugu cyangwa ishuri ryigisha ibyerekeranye no kubahirisha amategeko, cyangwa yarahawe amahugurwa mu byerekeranye n'ibyo ndetse afite uburambe ku kazi bw'imyaka itanu mu bintu bifitanye isano no gukora iperereza ku buryo bw'ubunyamwuga. Agomba kuba yaragaragaje ubushobozi bwo gusuzuma no gucunga inyandiko nyinshi kandi afite ubunararibonye mu gutegura abatangabuhamya n'inyandiko zo gukoresha mu rubanza.

v. Umufasha mu by'indimi

Umufasha mu by'indimi agomba kuba afite nibura impamyabumenyi y'amashuri yisumbuye cyangwa iyo bihuye. Agomba kuba azi kuvuga no kwandika rumwe mu ndimi zikoreshwa na MICT ndetse n'ururimi uregwa akoresha. Iyo Urugereko bireba rusanze akoresha rumwe mu ndimi zikoreshwa na MICT, umufasha mu by'indimi ashobora gusa gushyirwaho ku buntu.

vi. Impuguke

Impuguke yashyizweho ngo ifashe uregwa igomba kuba ifite impamyabushobozi ihanitse mu byo uregwa ashaka ko amufashamo. Agomba kuba yaragaragaje ubumenyi muri ibyo bintu mu nyandiko yasohoye cyangwa muri raporo y'impuguke yatanze mu zindi manza.

39. Abantu bo mu muryango w'uregwa ntibemerewe kuba bashyirwa mu bagize ikipe y'ubwunganizi cyangwa ngo babe impuguke.

G. ISHYIRWAHO RY'ABAGIZE IKIPE Y'UBWUNGANIZI N'IMPUGUKE

40. Uregwa wifuza ko umuntu runaka ashyirwa mu ikipe y'Ubwunganizi bwe agomba kubisaba Ibiro bya Gerefiye mu nyandiko, akavuga imirimo uwo muntu azakora. Kubera ko uregwa adafite avoka mukuru uyobora ubwunganizi, mu gufasha Ibiro bya Gerefiye gusuzuma icyo cyifuzo, uregwa cyangwa uwo muntu bagomba gutanga:

- umwirondoro urambuye kandi wa vuba w'uwo muntu;
- ibaruwa igaragaza ko uwo muntu ashaka kandi yiteguye kuba yashyirwa muri uwo mwanya usabwa;
- kopi ya pasiporo cyangwa y'urundi rwandiko rw'abajya mu mahanga;
- icyemezo cyatanzwe n'abategetsi bireba bo mu gihugu (ibihugu) uwo muntu atuyemo cyangwa ikimenyetso nk'icyo kigaragaza ko uwo muntu atigeze ahamwa n'icyaha mu manza z'inshinjabyaha;
- aho ari ngombwa, icyemezo cya vuba cy'imyitwarire myiza mu kazi kigaragaza niba hari ibihano yafatiwe mu rwego rwa disipulini; na
- indi nyandiko, iyo ari yo yose, igaragaza ko uwo muntu yujuje ibisabwa by'ibanze ngo yemererwe gushyirwa kuri uwo mwanya nk'uko bivugwa haruguru.

41. Uregwa wifuza ko hashyirwaho impuguke agomba gutanga icyifuzo cyumvikana, gisobanura impamvu yifuza ko iyo mpuguke ishyirwaho, ubumenyi uwo muntu agomba kuba afite, uburyo ubwo bumenyi buzagira akamaro mu rubanza rw'uregwa n'ikigereranyo cy'umubare w'amasaha akenewe mu gutanga ubwo bumenyi. Kugira ngo bafashe Ibiro bya Gerefiye gusuzuma icyo cyifuzo, uregwa cyangwa iyo mpuguke uregwa yifuza bagomba gutanga umwirondoro urambuye kandi wa vuba w'iyo mpuguke n'andi makuru yose agaragaza ko iyo mpuguke ifite ubwo bumenyi. Iyo Ibiro bya Gerefiye byemeye icyo cyifuzo, bugena amasaha ntarengwa iyo mpuguke izakoresha.

42. Ibiro bya Gerefiye bifite uburenganzira bwo kwanga gushyiraho umuntu cyangwa impuguke itujuje ibisabwa by'ibanze, cyangwa iyo bigaragara ko ishyirwaho rye rishobora kuba ritari mu nyungu z'ubutabera, cyangwa rishobora kugabanya icyizere rubanda ifitiye MICT cyangwa rigahindanya isura yayo.

H. INGINGO ZA NYUMA

43. Iyo Urugereko rugomba kugishwa inama cyangwa gusabwa gutanga amakuru nk'uko biteganywa muri iyi Politike, Urugereko bireba rushobora kwanga gutanga igitekerezo cyarwo cyangwa amakuru ku rubanza, rushobora gusaba ko ubwunganizi bumenyeshwa ibyerekeranye no kuba Ibiro bya Gerefiye byarugishije inama, cyangwa rugafata izindi ngamba rusanga zikwiye. Iyo Urugereko bireba rwanze guha Ibiro bya Gerefiye igitekerezo cyarwo cyangwa amakuru ku rubanza, ibihe byose biteganywa muri iyi Politike bitangira kubahirizwa uhereye umunsi Ibiro bya Gerefiye buboneyeho igisubizo cy'Urugereko kuri icyo kibazo.

44. Igihe icyo ari cyo cyose mu cyiciro mbanzirizarubanza, mu iburanisha mu rw'iremezo cyangwa mu bujurire, Ibiryo bya Gerefiye bishobora gusaba amakuru no gukora igenzura ku kazi kakozwe n'abantu bose bagize ikipe y'ubwunganizi. Kubera iyo mpamvu, uregwa agomba kubika inyandiko zose z'ubwunganizi mu gihe nibura cy'imyaka itanu nyuma y'uko urubanza rurangiye cyangwa agasaba Ibiro bya Gerefiye ko iyo nshingano ihabwa umunyamategeko wungirije washyizwe mu ikipe y'ubwunganizi. Ibiro bya Gerefiye byemera icyo cyifuzo iyo rusanze gishyize mu gaciro ndetse n'uwo munyamategeko wungirije agasinya ku nyandiko igaragaza ko yemeye kubika izo nyandiko no kubahiriza ibiteganywa mu Mabwiriza ku myitwarire mu kazi ku byerekeranye no kubika izo nyandiko.

45. Impaka zose zerekeranye n’ishyirwa mu bikorwa by’iyi Politike zikemurwa hashingiwe ku Ngingo ya 32 y’Amabwiriza.

UMUGEREKA

Imirimo ikorwa n'abagize ikipe y'ubwunganizi n'impuguke

Iyi Politike iteganya ibintu by'ibanze abagize ikipe y'ubwunganizi bagomba kuba bujuje kugira ngo bashyirweho kandi bahembwe na MICT. Ibyo bintu by'ibanze bagomba kuba bujuje bituma uregwa wiburanira ahabwa ubufasha mu by'amategeko n'abantu babishoboye, bityo ubutabera bukaba bucunzwe neza kurushaho. Ibyo bintu by'ibanze bagomba kuba bujuje binafasha mu gutuma amafaranga akoreshwa neza. Uretse ibisabwa bigomba kuba byujujwe bivugwa muri iyi Politike, uyu Mugereka urimo bimwe mu bigenderwaho ku byerekeranye n'imirimo ikorwa n'abagize ikipe y'ubwunganizi.

Dore iyo mirimo ikorwa:

i. Umunyamategeko wungirije

Umunyamategeko wungirije afasha uregwa kujya mu iburanisha kandi abikora ahuza akazi gakorwa n'ibiganiro byo mu rwego rw'amategeko birebana nako. Cyakora, kuba umunyamategeko wungirije agirana n'uregwa ibiganiro byo mu rwego rw'amategeko ntibigomba kwitiranywa n'akazi kose kagomba gukorwa n'uregwa, ubusanzwe gakorwa n'avoka iyo uregwa atiburanira. Mu mirimo y'umunyamategeko wungirije harimo gukora ubushakashatsi bwo mu rwego rw'amategeko no kwandika inyandiko, gutoranya, gusuzuma no kubika inyandiko nk'uko bisabwe n'uregwa no kujya gukorana n'uregwa muri Gereza y'Umuryango w'Abibumbye ("UNDF") cyangwa ("UNDU"). Umunyamategeko wungirije ashobora no gufasha uregwa gutegura ibimenyetso no kubaza abatangabuhamya agendera ku mabwiriza y'uregwa. Umunyamategeko wungirije ntafite uburenganzira bwo kugira uruhare mu iburanisha mu Rugereko kereka Urugereko rubyemeje ukundi.

ii. Umufasha mu by'amategeko

Umufasha mu by'amategeko afasha uregwa n'umunyamategeko wungirije, iyo ahari, mu gutegura ukwiregura. Mu mirimo y'umufasha mu by'amategeko harimo gukora ubushakashatsi bwo mu rwego rw'amategeko, gusuzuma ubukemuramanza, gufasha mu

kwandika inyandiko zo gutanga, ibyifuzo n'imyanzuro, gusuzuma no gutegura incamake y'ibimenyetso byo kumenyekanisha. Umufasha mu by'amategeko ashobora kandi gufasha uregwa gusuzuma no gutegura incamake y'inyandikomvugo z'iburanisha n'ubuhamya bwanditse bw'abatangabuhamya.

iii. Umukozi ucunga dosiye

Umukozi ucunga dosiye afasha mu micungire yose ya dosiye y'ubwunganizi. By'umwihariko, avugana, ku nyungu z'uregwa, n'inzego zinyuranye za MICT n'abandi bantu uko bibaye ngombwa kugira ngo gutegura ukwiregura bigende neza. Mu byo akora harimo guhuza imirimo y'abagize ikipe y'ubwunganizi akurikije uko uregwa abisabye. Acunga uburyo bw'ubwunganizi bwohereza ndetse bukabika inyandiko kandi abikora yandika ndetse akanabika ibimenyetso n'inyandiko zimenyekanishwa. Byongeye kandi, umukozi ucunga dosiye ashyikiriza ishami rya MICT rishinzwe indimi inyandiko z'ubwunganizi kugira ngo zishyirwe mu zindi ndimi ndetse akanakira izo nyandiko zimaze guhindurwa mu zindi ndimi, afotora kandi agafungura kuri mudasobwa ibimenyetso mu manza ziburanishwa n'ishami ry'i La haye n'irya Arusha, igihe bishoboka, cyangwa agakora ku buryo inyandiko zose zikenewe ziba zihari ngo zikoreshwe mu iburanisha, ategura ubufasha ndetse akabuha uregwa mu bintu byose bikenewe kugira ngo uregwa abone inyandiko zerekeranye n'urubanza. Iyo hatashyizweho umufasha mu by'indimi, umukozi ucunga dosiye ashobora no gukora imirimo y'umufasha mu by'indimi igihe bibaye ngombwa.

iv. Umupererezi

Umupererezi akora iperereza n'imirimo yerekeranye no gukusanya ibimenyetso, abaza (abantu bashobora kuba) abatangabuhamya bashinjura, yandika amakuru n'ibimenyetso, agasuzuma amakuru yakusanyijwe kugira ngo afashe uregwa kutegura imyiregurire ye.

v. Umufasha mu by'indimi

Umufasha mu by'indimi asemurira uregwa kandi agahindura, mu rundi rurimi, inyandiko zerekeranye n'urubanza, uretse inyandiko zigomba gutangwa nk'ibimenyetso kuko zo zishyirwa mu zindi ndimi na MICT.

vi. Impuguke

Impuguke ishinzwe, mbere na mbere, gutegura raporo runaka y'impuguke kandi ishobora no gufasha uregwa, imugira inama ku byerekeranye n'ibimenyetso byatanzwe n'impuguke zo kwa Porokireri.