

**Poritike yo guhemba abantu bunganira abaregwa badafite ubushobozi bwo  
kwihembera abavoka mu manza zo mu rw'iremezo mu Rwego Rwashyiriweho Inkiko  
Mpanabyaha Mpuzamahanga**

Yemejwe ku itariki ya 8 Ukuboza 2016

**IRIBURIRO**

Gerefiye w'Urwego Rwashyiriweho Inkiko Mpanabyaha Mpuzamahanga;

**NSHINGIYE** ku Ngingo ya 19 ya Sitati y'Urwego Rwashyiriweho Inkiko Mpanabyaha Mpuzamahanga (MICT) nk'uko yemejwe n'Inama Ishinzwe Amahoro ku Isi mu Cyemezo cyayo 1966 (2010) cyo ku itariki ya 22 Ukuboza 2010;

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

**NSHINGIYE** ku Mabwiriza yerekeye ishyirwaho ry'abavoka bunganira abaregwa yo ku itariki ya 14 Ugushyingo 2012;

**NSHINGIYE** ku mahame, poritike n'imikorere bigenga poritike z'ihemba muri MICT, mu Rukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda no mu Rukiko Mpanabyaha Mpuzamahanga Rwashyiriweho icyahoze ari Yugosilaviya;

**NSHINGIYE** ku kuba ikigamijwe mu gutanga amafaranga y'umubumbe ari ugutuma gahunda yo gutanga ubufasha mu by'amategeko mu cyiciro cy'iburanisha ryo mu rw'iremezo ikorwa mu buryo buboneye, bitewe n'uko bituma Avoka mukuru yishyira akizana mu gufata ibyemezo abona ko biboneye mu gucunga umutungo aba yahawe;

**NEMEJE** iyi Poritike, hashingiwe ku Ngingo ya 25 y'Amabwiriza.

John Hocking

Gerefiye

Bikozwe uyu muni, tariki ya 8 Ukuboza 2016

I Lahe

U Buholandi.

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**A. IBISOBANURO BY'AMAGAMBO N'IMPINE Z'AMAGAMBO  
BYAKORESHEJWE**

Muri iyi Poritike, aya magambo n'impine bisobanura ibi bikurikira:

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

**Ishyirahamwe ry'abavoka:**

Ishyirahamwe ry'abavoka bunganira abaregwa mu Rwego Rwashyiriweho Inkiko Mpanabyaha Mpuzamahanga, ryemewe na Gerefiye hakurikijwe Ingingo ya 42(A)(iii) y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso ya MICT.

**Ishami:** Ishami rya MICT bireba, ryaba iry'Arusha cyangwa iry'i Lahe.

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

**Amategeko yerekeye imyitwarire mu kazi:**

Amategeko yerekeye imyifatire mu kazi y'abavoka bunganira abaregwa muri MICT, yatanzwe na Gerefiye ku itariki ya 14 Ugushyingo 2012, nk'uko yagiye ahindurwa.

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

**Avoka wungirije:**

Umuntu washyizweho kugira ngo afashe Avoka mukuru kunganira uregwa, hashingiwe ku Ngingo ya 43 n'ya 44 z'Amategeko n'Ingingo ya 16(C) y'Amabwiriza.

**CPI:** Igipimo cyerekana ihindagurika ry'ibiciro mu Buholandi, nk'uko byemejwe na Komisiyo Mpuzamahanga ishinzwe abakozi.

**Ikiye y'ubwunganizi:**

Avoka mukuru washyizweho n'Iburo bya Gerefiye kugira ngo yunganire uregwa udafite ubushobozi na buke cyangwa buhagije bwo kumwihembera, kimwe n'undi muntu uwo ari we wese Gerefiye yashyizeho cyangwa yemeje kugira ngo afashe Avoka mukuru muri ako kazi, harimo Avoka wungirije, abagishwanama, abafasha mu by'amategeko, abakozi bacunga dosiye, abapererezi n'abasemuzi/abahindura inyandiko mu zindi ndimi, bitewe n'uko ibintu bimeze.

**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.

**DSA:** Amafaranga abantu bahabwa yo kubatunga buri muni, yagenwe hakurikijwe Ingingo ya 28 y'Amabwiriza.

**Ibihembo bitangwa igice runaka cy'iburanisha kirangiye:**

Igice cy'amafaranga y'umubumbe gifatirwa, kikishyurwa ari uko Gerefiye amaze kwemera Raporo y'Ubwunganizi isoza igice runaka cy'iburanisha.

**TPIR:** Urukiko Mpanabyaha Mpuzamahanga rushinzwe gucira imanza abantu bakekwaho kuba barakoreye mu Rwanda ibyaha bya jenocide 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'ya 31 Ukuboza 1994, rwashyizweho

n’Inama Ishinzwe Amahoro ku Isi mu Cyemezo cyayo 955 cyo ku itariki ya 8 Ugushyingo 1994.

**TPIY:** Urukiko Mpanabyaha Mpuzamahanga rushinzwe gucira imanza abantu bakekwaho kuba barakoreye ibikorwa byinyuranyije bikomeye n’Amategeko mpuzamahanga arengera abantu mu gihe cy’intambara mu cyahoze ari Yugoslaviya guhera mu mwaka wa 1991, rwashyizweho n’Inama Ishinzwe Amahoro ku Isi mu Cyemezo cyayo 827 cyo ku itariki ya 25 Gicurasi 1993.

**Amabwiriza yerekeye itangwa ry’amafagitire:**

Amabwiriza yashyizweho mu Ugushyingo 2015, nk’uko yagiye ahindurwa, yerekeye itangwa ry’amafagitire y’amasaha yakozwe n’ibikorwa bishobora guhemberwa.

**Avoka mukuru:**

Umuntu washyizweho kugira ngo yunganire uregwa udafite ubushobozi buhagije bwo kwihembera avoka, hashingiwe ku Ngingo ya 43 n’iya 44 z’Amategeko n’Ingingo ya 16(B) y’Amabwiriza.

**MICT:** Urwego Rwashyiriweho Inkiko Mpanabyaha Mpuzamahanga, rwashyizweho n’Inama Ishinzwe Amahoro ku Isi mu Cyemezo cyayo 1966 cyo ku itariki ya 22 Ukuboza 2010.

**Poritike:** Iyi Poritike yo guhamba abantu bunganira abaregwa badafite ubushobozi bwo kwihembera abavoka mu manza zo mu rw’iremezo muri MICT.

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

**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 no gutera inkunga izindi serivise nk'uko biteganywa n'Ingingo ya 15 ya Sitati, naho muri iyi Poritike 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 1966 cy'Inama Ishinzwe Amahoro ku Isi cyo ku itariki ya 22 Ukuboza 2010, nk'uko yagiye ihindurwa.

**Umukozi ukora imirimo yunganira indi:**

Umuntu uwo ari we wese ufasha Avoka mukuru hashingiwe ku Ngingo ya 16(E) y'Amabwiriza.

**Iburanisha mu rw'iremezo:**

Icyiciro cy'iburanisha rya MICT giteganywa n'Ingingo ya 18 ya Sitati.

**WISP:** Agashami ka MICT gashinzwe gufasha abatangabuhamyana no kubarindira umutekanao.

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

## **B. INGINGO RUSANGE**

1. Iyi Poritike igena uburyo bwo guhamba abagize ikipe y'ubwunganizi bw'uregwa udafite ubushobozi na buke cyangwa buhagije bwo kubihembera, bakora akazi gashyize mu gaciro kandi gakenewe, mu gihe cy'urubanza mu rw'iremezo. Ishingiye ku buryo bwo guhamba amafaranga y'umubumbe, bugamije gutuma Avoka mukuru yishyira akizana mu gufata ibyemezo abona ko biboneye mu gucunga umutungo ahabwa gukoresha. By'umwihariko, ibi bishatse kuvuga ko Avoka mukuru ashobora gukomeza gukoresha abakozi bakora imirimo yunganira indi mu gihe abona ko akazi kabo gakenewe mu rubanza mu rw'iremezo, bitewe n'ibikenewe mu rubanza muri icyo cyiciro. Cyakora, abagize ikipe y'ubwunganizi bemerewe guhambwa kuri ayo mafaranga y'umubumbe ni abashyirwaho n'Ibiro bya Gerefiye bonyine.
2. Iyi Poritike ntishyiraho ubundi burenganzira cyangwa ibindi bintu umuntu yemererwa n'amategeko birenze ibiteganywa mu Ngingo ya 19 ya Sitati kandi ntibangamira ibitegangwa n'Amategeko n'Amabwiriza. Haramutse habayeho kungongana n'ibiteganywa n'iyi Poritike, icyo gihe hubahirizwa ibiteganywa na Sitati, Amategeko n'Amabwiriza.
3. Amafaranga y'umubumbe akoreshwa mu bintu byose byerekeranye no kunganira uregwa mu gihe cy'urubanza mu rw'iremezo. Muri byo harimo, n'ubwo bitavuze ko ari ibyo gusa, amafaranga ahembwa Avoka mukuru n'Avoka wungirije, abafasha mu by'amategeko, abagishwanama, abapererezi, abakozi bashinzwe gucunga dosiye, abasemuzi n'abahindura inyandiko mu zindi ndimi (reba igika cya 4) n'ayo gukoresha mu mirimo yo mu biro<sup>1</sup>. Ubusanzwe amafaranga agenda ku biro aba akubiye muri uwo mubumbe<sup>2</sup> ariko iyo hari ibiro bitanzwe na MICT Avoka agahitamo ko ikipe

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<sup>1</sup> Ingano y'umubare w'amafaranga avugwa muri iyi Poritike ishingiyeye ku mubare ntarengwa w'amasaha na/cyangwa amafaranga y'umubumbe byagenderwagaho na TPIR na TPIY mu gihe cy'iburanisha ry'urubanza mu rw'iremezo. Imibare yose ivugwa iri mu madorari y'anyamerika ariko mu gihe cyo guhamba hashobora gutangwa amayero, hagakurikizwa igiciro cy'ivunjisha kizaba cyemewe n'Umuryango w'Abibumbye muri uko kwezi ihamba ribereyemo.

<sup>2</sup> Mu mafaranga agenda ku kazi ko mu biro hakubiyemo atangwa ku bintu bikurikira: kuvugira kuri terefone, kohereza amabaruwa, kohereza amabaruwa ku buryo bwihuse, gufotora inyandiko, kugura ibitabo, kugura ibinyamakuru, gukodesha ibiro byo gukoreramo, kugura ibikoresho byo mu biro,

y'ubwunganizi ye ari yo yonyine ibikoresha, ku gice cy'ayo mafaranga y'umubumbe cyagenewe ibiro havanwaho 70%, nk'uko biteganywa mu gika cya 22.

4. Mu mafaranga y'umubumbe hakubiyemo kandi atangwa ku mirimo yose y'isemura n'iyu guhindura inyandiko mu zindi ndimi, uretse gusa: (a) atangwa ku kazi ko guhindura inyandiko zigomba gutangwa nk'ibimenyetso gihamya (Ubusanzwe izo nyandiko zihindurwa n'abakozi ba MICT), kimwe (b) n'ayo gusemura no guhindura inyandiko mu zindi ndimi hagamijwe korohereza uregwa n'avoka we gushyikirana nk'uko biteganywa mu Ngingo ya 19(4)(a), (b) na (f) ya Sitati. Abafasha mu by'indimi bashyizweho kugira ngo bafashe ikipe y'ubwunganizi bashobora gutanga, ukwayo, amafagitire yishyuzwa ayo mafaranga amaze kuvugwa, bapfa gusa kutarenza amadorari y'amanyamerika 1.500 ku kwezi. Abafasha mu by'indimi bagomba gushyikiriza Ibiro bya Gerefiye amafagitire asobanura ku buryo burambuye umubare w'amasaha bakoze n'akazi bayakozemo cyangwa umubare w'amagambo agize inyandiko bahinduye mu rundi rurimi<sup>3</sup>. Bagomba gutanga ayo mafagitire mu gihe kitarenze iminsi 60 uherye ku munsu wa nyuma bakoreyeho ako kazi basaba guhemberwa.
5. Amafaranga yo guhamba impuguke z'ubwunganizi zakoze amaraporo y'impuguke na yo ntakubiye muri uwo mubumbe. Igihe bikenewe, Avoka mukuru ashobora gusaba Ibiro bya Gerefiye gushyiraho impuguke zo gukora amaraporo y'impuguke ku kintu cyihariye kirebana n'ibyabaye cyangwa cyo mu rwego rw'amategeko. Muri ubwo busabe bwe, agomba gusobanura ku buryo burambuye ako kazi k'impuguke yifuzwa ko gakorwa, gutanga umwirondoro w'iyu mpuguke yifuzwa ko ishyirwaho no kuvuga umubare w'amasaha uwo muntu azakenera kugira ngo arangize ako kazi azashingwa. Ibiro bya Gerefiye bitanga amasaha ahemberwa atarenze 150 ku kazi ko gukora amaraporo y'impuguke<sup>4</sup>.

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imirimo y'ubunyamabanga, gutegura gusura gereza, gutegura ibyo gushaka amaviza, gushaka ahantu ho kubika inyandiko no/cyangwa kuzisibanganya no kwandika amabaruwa yoherezwa Ibiro bya Gerefiye.

<sup>3</sup> Ku bijyanye n'ubu bwoko bw'akazi, abafasha mu by'indimi bahembwa hakurikijwe umushahara wagenwe n'Ibiro bya Gerefiye ku isaha mu kazi ko gusemura n'igiciro kuri buri jambo mu kazi ko guhindura inyandiko mu rundi rurimi.

<sup>4</sup> Impuguke zihemberwa ku isaha, hakurikijwe amafaranga agenwa n'Ibiro bya Gerefiye.



6. Impuguke igomba gutanga fagitire irimo amakuru arambuye kandi ishingiyeye ku masaha yakoze nk'uko biteganywa n'Amabwiriza yerekeye itangwa ry'amafagitire. Iyo fagitire igomba gutangwa binyuze kuri Avoka mukuru kandi na we akayishyiraho umukono. Amafagitire agomba gutangwa mu gihe kitarenze iminsi 60 uhereye ku munsu wa nyuma ako kazi gahembeshwa kakoreweho. Mu gusuzuma ubusabe bwerekeranye n'ingendo impuguke zishobora gukora, Ibiro bya Gerefiye bishingira ku biteganywa n'ibika 57 na 58.
7. Ibiro bya Gerefiye bihindura imibare y'amafaranga ivugwa muri iyi Poritike bikurikije ukuntu igipimo cyerekana ihindagurika ry'ibiciro mu Buholandi kigenda gihinduka<sup>5</sup>. Imibare mishya yemejwe itangira gukurikizwa ku itariki ya 1 Mutarama ya buri mwaka kandi ishingira ku kuntu icyo gipimo kigenda gihinduka mu gihe cy'amezi 12 uhereye mu kwezi k'Ugushyingo k'umwaka ubanziriza uwo urangiye.
8. Ubusanzwe Ibiro bya Gerefiye bihemba mu gihe kitarenze iminsi 30 nyuma y'itangwa rya fagitire cyangwa izindi nyandiko zivugwa hasi, yemewe kandi irimo amakuru y'ukuri. Icyo gihe Ibiro bya Gerefiye bihita bishyira amafaranga, mu buryo butaziguye, kuri konti ya buri wese mu bagize ikipe y'ubwunganizi ugomba guhembwa.

### **C. IGENWA RY'AMAFARANGA Y'UMUBUMBE**

9. Ibiro bya Gerefiye bigena umubare w'amafaranga y'umubumbe azakoreshwa mu buri gice runaka cy'iburanisha mu rw'iremezo kandi uwo mubumbe utangwa ari uko icyo gice kivugwa cyarangiye. Uwo mubumbe ntugenwa byanze bikunze hashingiwe ku mubare w'amasaha y'akazi nyakuri yakozwe buri kwezi cyangwa ku giye nyakuri icyo gice cy'iburanisha cyamaze<sup>6</sup>.
10. Ibiro bya Gerefiye bigena umubare w'amafaranga y'umubumbe agomba gutangwa bibanje kungurana inama n'Urugereko rwa Mbere rw'Iremezo n'Avoka mukuru ku birebana n'igihe icyo gice cy'iburanisha giteganyijwe kuzamara n'intera y'urusobe rw'ibintu bikiranga.

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<sup>5</sup> Iyo igiteranyo cy'ibyahindutse mu mwaka kitageze kuri 1%, imibare y'amafaranga ivugwa muri iyi Poritike ntihinduka.

<sup>6</sup> Igihe nyakuri igice cy'iburanisha kimara gishingirwaho mu guhamba kibarwa hakurikijwe ibivugwa mu bika 39-43.

11. Kugira ngo iteganyamigambi ry'umutungo ryorohe kurushaho, iburanisha mu rw'iremezo rigabanywamo ibice bibiri: (i) itangwa ry'ibimenyetso bishinja (ii) itangwa ry'ibimenyetso bishinjura. Iyo byitezwe ko kimwe muri ibyo bice kizamara igihe kirenze amezi 12, icyo gihe gishobora kugabanywamo uduce tubiri. Iyo igice runaka cy'iburanisha kigiye gutangira, Ibiro bya Gerefiye bibara amafaranga y'umubumbe azakoreshwa muri icyo gice. Iyo byitezwe ko iburanisha mu rw'iremezo ryose uko ryakabaye rizamara amezi ari muni ya 12. rishobora gufatwa nk'irigizwe n'igihe kimwe rukumbi cy'iburanisha mu rwego rwo gushyira mu bikorwa ibiteganywa n'iyi Poritike.

**D. KUBARA IGIHE BURI GICE CY'IBURANISHA KIMARA**

12. Kubera ko uko byagenda kose Urugereko rwa Mbere rw'Iremezo ari rwo rushinzwe kuzamura imigendekere y'urubanza, igihe itangwa ry'ibimenyetso bishinja giteganyijwe kumara kibarwa hashingiwe ku gihe Porokireri ahabwa kugira ngo azabe yarangiye gutanga ibimenyetso bye, nk'uko kiba cyagenwe n'Urugereko rwa Mbere rw'Iremezo mu nama mbanzirizarubanza ikorwa hashingiwe ku Ngingo ya 81 y'Amategeko, by'umwihariko mu gika cyayo cya (C). Hashingirwa kandi ku gihe byitezwe ko bizafata kugira ngo hafatwe icyemezo kivugwa mu Ngingo ya 121 y'Amategeko nyuma y'itangwa ry'ibimenyetso bishinja.
13. Ni muri ubwo buryo kandi itangwa ry'ibimenyetso bishinjura na ryo riba ryitezwe kuzamura igihe kingana n'icyo Urugereko rwa Mbere rw'Iremezo rugenera Ubwunganizi kugira ngo bube bwarangiye gutanga ibimenyetso bishinjura nk'uko biteganywa n'Ingingo ya 82 y'Amategeko, by'umwihariko mu gika cyayo cya (E). Iyo Ibiro bya Gerefiye bigomba gufata icyemezo ku mafaranga y'umubumbe atangwa kandi Urugereko rwa Mbere rw'Iremezo rutaragenda igihe itangwa ry'ibimenyetso bishinjura ryitezwe kuzamura, ibyo Biro bishobora, bibisabwe n'Avoka mukuru, gushingira ku kigereranyo cy'igihe icyo gice kizamara hakurikijwe amakuru ahari icyo gihe, kugira ngo bigene amafaranga y'umubumbe y'agateganyo. Iyo Urugereko rwa Mbere rw'Iremezo rugennye igihe itangwa ry'ibimenyetso bishinjura rizamara, harimo n'igihe cyo gutegura imyanzuro nsozarubanza yanditse n'iyi mu magambo, Ibiro bya Gerefiye bihita byihutira guhuza igihe cy'agateganyo ruba rwageneye icyo gice cy'iburanisha n'igihe kimaze kwemezwa n'Urugereko. Iyi Poritike yo guhamba

iteganya ko igice cy'itangwa ry'ibimenyetso bishinjura kirangirana n'itangwa ry'imyanzuro nsozarubanza y'Ubwunganizi mu magambo<sup>7</sup>.

14. Nk'ihame rusange, mu kugena igihe igice runaka cy'iburanisha giteganyijwe kumara, Ibiro bya Gerefiye ntibibariramo igihe kiba giteganyirijwe ibiruhuko by'Abacamanza, biba hagati y'ukwezi kwa Nyakanga na Kanama no hagati y'Ukuboza na Mutarama. Cyakora, hashingiwe ku bivugwa mu bika 44 na 45, Ibiro bya Gerefiye bishobora guhembera ukwayo imirimo yakozwe muri ibyo bihe n'abagize ikipe y'Ubwunganizi.
15. Iyo igice cy'iburanisha kirengeje igihe cyari cyateganyijwe bitewe n'uko Urugereko rwa Mbere rw'Iremezo rwongereye Porokireri cyangwa Ubwunganizi igihe cyo gutanga ibimenyetso, Ibiro bya Gerefiye bishingira kuri icyo gihe gishya Urugereko rutanze bikagena bundi bushya igihe icyo gice giteganyijwe kuzamara.
16. Iyo amaburanisha akomeje nyuma y'igihe cyari giteganyijwe ku gice runaka kandi Urugereko rwa Mbere rw'Iremezo rutongereye igihe uruhande bireba rurimo gutanga ibimenyetso<sup>8</sup>, Ibiro bya Gerefiye, nyuma yo kubona amakuru atanzwe n'Urugereko rwa Mbere rw'Iremezo ku kuntu ibintu byagenze neza neza n'impamvu zatumye icyo gice kirenza igihe cyari giteganyirijwe kumara, bikomeza gutanga amafaranga ya buri kwezi kugera igihe icyo gice kirangiriye. Ibiro bya Gerefiye bishobora kongera amafaranga y'umubumbe iyo bibona ko bikwiye.
17. Uretse gusa igihe Urugereko rwa Mbere rw'Iremezo ruba rutarimo kuburanisha mu mezi y'akazi asanzwe<sup>9</sup>, ubundi iyo rumaze iminsi itandatu cyangwa irenze rutarimo kuburanisha cyangwa iyo ruteganya ko rutazaburanisha mu minsi itandatu cyangwa

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Icyo gihe gikubiyemo n'ikigenerwa itangwa ry'ibimenyetso bya Porokireri bivuguruza ibishinjura cyangwa iby'Ubwunganizi bihinyuza ibyatanze na Porokireri hashingiwe ku Ngingo ya 102 y'Amategeko.

<sup>8</sup> Urugero ni nk'igihe ibazwa rinyomoza cyangwa ibibazo byabajijwe n'Urugereko bifashe igihe kirenze icyari cyateganyijwe mbere.

<sup>9</sup> Amezi asanzwe y'akazi abarirwa mu gihe igice cy'iburanisha kigomba kuzamara kubera ko haba hitezwe ko ikipe y'Ubwunganizi ikora ku buryo buhoraho. Muri ibyo bihe harimo umwanya ukoresha mu gutegura imyanzuro nsozarubanza yanditse no kwitegura kuzatanga imyanzuro nsozarubanza mu magambo.

irenze yikurikiranyije<sup>10</sup>, akazi gakoze muri icyo gihe gahemberwa hakurikijwe uburyo bwo guhamba busobanurwa mu bika 44 na 45, bukurikizwa iyo ako kazi kakozwe mu gihe cy'ibiruhuko by'Abacamanza.

18. Iyo igice cy'iburanisha kirangiye mbere y'igihe cyari giteganyijwe kuzamara, Ibiro bya Gerefiye bigabanya amafaranga y'umubumbe yari yaragenewe icyo gice bishingiye ku gihe nyacyo icyo gihe kimaze. Mu gusuzuma niba bikwiye ko ayo mafaranga agabanywa, Ibiro bya Gerefiye bibanza gusaba amakuru Avoka mukuru n'Urugereko rwa Mbere rw'Iremezo ku mpamvu zatumye igihe cyari cyaragenewe icyo gice kigabanuka, harimo n'ingaruka iryo gabanuka rishobora kugira ku kazi gakorwa n'ikipe y'Ubwunganizi.

#### **E. GUSUZUMA INTERA Y'URUSOBE RW'IBIRANGA URUBANZA**

19. Ibiro bya Gerefiye byemeza urusobe rw'ibiranga urubanza nyuma yo kubyunguranaho ibitekerezo n'Urugereko n'Avoka mukuru. Ku birebana n'igice cy'itangwa ry'ibimenyetso bishinje, uko kungurana ibitekerezo bikorwa mu nyandiko cyangwa bigakorerwa mu nama iba mu gihe kitarenze iminsi 10 uhereye ku muni inama ya nyuma iteganywa n'Ingingo ya 70 y'Amategeko yabereyeho, naho ku birebana n'igice cy'itangwa ry'ibimenyetso bishinjura, bikorwa mu nyandiko cyangwa mu nama iba mu gihe kitarenze iminsi 10 uhereye ku muni icyemezo kivugwa mu Ngingo ya 121 y'Amategeko cyatangiweho.
20. Mu kwemeza urusobe rw'ibiranga urubanza, bimwe mu byo Ibiro bya Gerefiye bishingiraho ni ibi:
  - (a) umwanya Uregwa yarimo mu buyobozi, harimo umwanya yarimo mu nzego za poritike cyangwa iza gisirikare;
  - (b) umubare n'imiterere by'ibirego bivugwa mu nyandiko y'ibirego;
  - (c) niba urwo rubanza hari ibindi bibazo bishya rubyutsa;
  - (d) ingano y'ifasi yakorewemo ibivugwa muri urwo rubanza;
  - (e) urusobe rw'ibibazo byo mu rwego rw'amategeko n'ibirebana n'ibyabaye, bivugwa muri urwo rubanza;

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<sup>10</sup> Nk'urugero, igihe bibaye ngombwa ko iburanisha risubikwa kubera impamvu zishingiye ku buzima bw'Uregwa.

(f) umubare n'imiterere by'abatangabuhamya n'iby'inyandiko byo muri urwo rubanza; na

(g) ikindi kintu icyo ari cyo cyose kivugwa n'Avoka mukuru cyangwa n'Urugereko gishobora korohereza Ibiro bya Gerefiye mu gufata icyemezo;

21. Urusobe rw'ibiranga urubanza ntirugaragarira byanze bikunze ku gihe byateganyijwe ko urwo rubanza ruzamara. Urusobe rw'ibiranga urubanza rushobora kutaba rumwe mu bice binyuranye cyangwa rukaba rutandukanye mu cyiciro cy'imihango mbanziriza rubanza no mu cy'iburanisha ry'urubanza, kubera ko kugena urusobe rw'ibiranga urubanza bishingira ku rusobe rw'ibibazo byo mu rwego rw'amategeko n'ibirebana n'ibyabaye, byagaragajwe ku cyiciro runaka cy'urubanza cyangwa mu gice runaka cy'iburanisha, aho gushingira ku miterere y'urubanza muri rusange. Bityo rero, Ibiro bya Gerefiye bifata ibyemezo bibiri bitandukanye ku byerekeye urusobe rw'ibiranga urubanza mu gice cy'itangwa ry'ibimenyetso bishinja no mu cyahariwe gutanga ibimenyetso bishinjura.

22. Ibiro bya Gerefiye, bishingiye kuri ibyo bintu bimaze kuvugwa haruguru, bigena urusobe rw'ibiranga urubanza mu gice runaka cy'iburanisha kandi rukemeza niba icyo gice kiri ku ntera ya 1 (Gikomeye), ku ntera ya 2 (Gikomeye cyane) cyangwa ku ntera ya 3 (Gikomeye birenze urugero).

23. Mu kubara amafaranga y'umubumbe agenerwa buri rubanza, bafata amafaranga yagenwe akurikira bakayakuba n'umubare w'amezi urwo rubanza ruteganyijwe kuzamara.

Intera y'imikomerere	Amafaranga yagenwe ku kwezi	Amafaranga atangwa ku kwezi ku kazi ko gusemura no guhindura inyandiko mu rundi rurimi
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Intera ya 1 (Igice gikomeye)	$\$ 26.015^{11} + \$ 4.245 = \$$ <b>30.260</b>	\$ 1.500
Intera ya 2 (Igice gikomeye cyane)	$\$ 26.015^{12} + \$ 12.735 =$ <b>\$ 38.750</b>	\$ 1.500
Intera ya 3 (Igice gikomeye birenze urugero)	$\$ 26.015^{13} + \$ 21.225 =$ <b>\$ 47.240<sup>14</sup></b>	\$ 1.500

24. Ayo mafaranga yagenwe mu bice bitatu bikurikira:

- (a) umushahara fatizo w’umukozi wo ku rwego rwa P5, intera ya VII, wongeyeho amafaranga agenda ku biro angana na 40% by’uwo mushahara, cyangwa amadorari y’امanyamerika 14.203 yose hamwe (Kuri Avoka mukuru);
- (b) umushahara fatizo w’umukozi wo ku rwego rwa P4, intera ya VII, wongeyeho amafaranga agenda ku biro angana na 40% by’uwo mushahara, cyangwa amadorari y’امanyamerika 11.812 yose hamwe (Kuri Avoka wungirije);
- (c) Amafaranga ahembwa abakozi bakora imirimo yunganira indi agenda ahinduka bitewe n’intera y’urusobe rw’ibiranga urubanza, hakaba hateganyijwe ay’umukozi umwe (Ku ntera ya 1), ay’abakozi babiri (Ku ntera ya 2), n’ay’abakozi batanu (Ku ntera ya 3).

<sup>11</sup> Aya mafaranga akubiyemo n’agenda ku biro agera ku madorari y’امanyamerika 7.433. Cyakora, ibiro bya Gerefiye bishobora guhindura umubare w’امافaranga agenewe kugenda ku biro, hashingiwe ku gika cya 3.

<sup>12</sup> Ni kimwe no haruguru.

<sup>13</sup> Ni kimwe no haruguru.

<sup>14</sup> Iriya mibare yanditse mu nyuguti z’umukara cyane yerekana igiteranyo cy’امافaranga agenwa mu bice bitatu bivugwa mu gika cya 24(a)–(c).

25. Si ngombwa ko Avoka mukuru agendera kuri biriya bice bitandukanye bigize amafaranga y'umubumbe, ahubwo afite uburenganzira busesuye bwo kugena umubare yumva ukwiye w'abakozi bakora imirimo yunganira indi no gusaranganya ayo mafaranga abagize ikipe y'ubwunganizi bashyizweho, akurikije inyungu z'ubwunganizi bw'uwo yunganira.

#### **F. ITANGWA RY'AMAFARANGA Y'UMUBUMBE**

26. Ibiro bya Gerefiye bitanga amafaranga y'umubumbe mu buryo bukurikira: (i) amafaranga ya mbere atangwa mbere y'uko iburanisha ritangira, (ii) atangwa buri kwezi kw'igice runaka cy'iburanisha na (iii) atangwa icyo gice cy'iburanisha kirangiye. Ayo mafaranga atangwa buri kwezi si ibihembo by'amasaha aba yakozwe buri kwezi cyangwa umushahara wa buri kwezi, ahubwo yo, kimwe n'ariya ya mbere atangwa mbere y'uko igice runaka cy'iburanisha gitangira, ni avansi ku mafaranga y'umubumbe ubusanzwe yagombye gutangwa iburanisha ry'urubanza mu rw'iremezo rirangiye, akazi kose karamaze gukorwa no kwemerwa n'Ibiro bya Gerefiye.

#### **Amafaranga ya mbere y'avanse**

27. Iyo itangwa ry'ibimenyetso bishinja ritangiye, Avoka mukuru ashobora gusaba ko ikipe y'Ubwunganizi ihembwa amafaranga ya mbere y'avanse, ashobora kugera ku 10% by'amafaranga y'umubumbe iyo kipe yateganyirijwe. Ayo mafaranga ni ayo korohereza abagize ikipe y'Ubwunganizi kugura ibintu bitari byiteguwe bashobora gukenera bitewe n'uko baba bavuye aho bari basanzwe bakorera kandi bagashinga ibiro ku cyicaro cy'ishami rya MICT bireba.
28. Amafaranga ya mbere y'avanse ntatangwa iyo igice cy'itangwa ry'ibimenyetso bishinjura gitangiye.

#### **Amafaranga atangwa buri kwezi**

29. Mu kugena igice cy'amafaranga y'umubumbe gitangwa buri kwezi, bafata amafaranga y'umubumbe bakayagabanya n'umubare w'amezi igice cy'iburanisha giteganyijwe kuzamara, umubare ubonetse bakawukuba na 70% iyo urubanza ruri mu gice

cy'itangwa ry'ibimenyetso bishinja<sup>15</sup>, byaba ari mu gice cy'itangwa ry'ibimenyetso bishinjura bakawukuba na 80%.

30. Buri kwezi Avoka mukuru ashyira umukono ku mafagitire yabugenewe hanyuma akayatanga. Amenyeshya Ibiro bya Gerefiye uko ayo mafaranga ya buri kwezi asaranganywa abagize ikipe y'ubwunganizi. Guhemba bikorwa hakurikijwe ibiteganywa mu gika cya 8.
31. Si ngombwa ko amafagitire ya buri kwezi asobanura ku buryo burambuye akazi kaba kakozwe. Cyakora, abagize ikipe y'ubwunganizi bose bagomba kugira aho bandika umubare w'amasaha n'akazi bakoze muri icyo gice kubera ko, nk'uko bisobanurwa mu bika 34-38, Avoka mukuru agomba kubitangaho ibisobanuro birambuye muri Raporo isoza icyo gice cy'iburanisha ashyikiriza Ibiro bya Gerefiye.

#### **Amafanga atangwa igice cy'iburanisha kirangiye**

32. Iyo buri gice cy'iburanisha kirangiye, ikipe y'Ubwunganizi iba yemerewe guhembwa amafanga atangwa iyo igice bireba kirangiye. Ayo mafanga agenwa hakurikijwe ibiteganywa mu gika cya 33, akishyurwa ari uko Ibiro bya Gerefiye bimaze kwemera Raporo yatanze icyo gice cy'iburanisha kirangiye, hakurikijwe ibivugwa mu gika cya 34. Avoka mukuru agomba gutanga Raporo isoza igice cy'iburanisha mu gihe kitarenze iminsi 60 uhereye ku muni icyo gice kirebwa n'iyi Raporo cyarangiriyeho.
33. Amafanga atangwa igice runaka kirangiye angana n'amafanga y'umubumbe aba yabazwe bundi bushya (Nk'uko yemejwe hashingiwe ku gika cya 39), havuyeho amafanga yose aba yararishywe buri kwezi muri icyo gice bireba, ndetse, aho biri ngombwa, hakavanwaho n'angana na 10% by'amafanga y'umubumbe aba yaratanzweho avanse mu ntangiriro y'icyo gice.

#### **Raporo isoza igice cy'iburanisha**

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<sup>15</sup> Iryo janisha riba ryaringanijwe n'amafanga ya mbere y'avanse, niba hari ayatanze, ku gice cy'itangwa ry'ibimenyetso bishinja.



34. Raporo isoza igice cy'iburanisha igomba kuba ikubiyemo uburyo amasaha yo muri icyo gice yakoreshejwe, ibisobanuro birambuye ku bwoko bw'akazi kakozwe n'akazi buri wese mu bagize ikipe y'Ubwunganizi yakoze muri icyo gice. By'umwihariko, iyo Raporo igomba kuba ikubiyemo amakuru akurikira:

- (a) izina rya buri wese mu bagize ikipe y'Ubwunganizi n'akazi yakoze buri kwezi;
- (b) umubare w'amasaha buri wese mu bagize ikipe y'Ubwunganizi yakoze buri kwezi kuri buri kazi yahawe n'ibisobanuro birambuye ku kazi yakoze buri kwezi; no
- (c) ku bijyanye n'icyo gice cy'iburanisha cyose, kongera kuvuga mu ncamake umubare w'amasaha yose buri wese mu bagize ikipe y'Ubwunganizi yakoze, ubwoko bw'akazi yakoze n'ingano y'ibyo yakoze muri ako kazi<sup>16</sup>. Iyo ncamake igomba gutanga ibisobanuro bihagije ku buryo bituma Ibiro bya Gerefiye bishobora kugenzura ko ako kazi kakozwe koko. Raporo isoza igice cy'iburanisha iba ikubiyemo nka bene aya makuru: umubare w'abatangabuhamya abagize ikipe y'Ubwunganizi babonanye na bo bakanababaza ibibazo, amazina/amazina y'amitirirano abo batangabuhamya bahawe muri urwo rubanza, ingano y'ubushakashatsi bwakozwe, umubare w'inyandiko zateguwe ngo zitangwe mu rwego rw'iburanisha, uw'izatanzwe n'umubare w'izasomwe n'Ubwunganizi, harimo n'izamenyekanishijwe ndetse n'umubare w'amapaje izo nyandiko zifite.

35. Mu gusuzuma Raporo isoza igice cy'iburanisha, Ibiro bya Gerefiye bigenzura ko:

- (a) amakuru yose asabwa mu gika cya 34 ari muri iyo raporo;
- (b) akazi kakozwe na buri wese mu bagize ikipe y'Ubwunganizi gasobanuye bihagije ku buryo kagaragaza ku buryo budashidikanywaho ko ako kazi kakozwe hagamijwe gutegura iburanisha ry'urubanza mu rw'iremezo;
- (c) akazi abagize ikipe y'Ubwunganizi bose bavuze ko bakoze gashyize mu gaciro kandi gakenewe ku buryo gakwiye guhemberwa ayo mafaranga y'umubumbe; na
- (d) amafaranga yose yatanzwe mu rwego rw'ubufasha mu by'amategeko yahembwe abagize ikipe y'Ubwunganizi bashyizweho cyangwa bemejwe n'Ibiro bya Gerefiye mu nzira zemewe, nk'uko byasabwe n'Avoka mukuru.

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<sup>16</sup> Mu kureba ingano y'akazi kakozwe ntihashingirwa na gato ku kuba ikipe y'ubwunganizi yarageze ku ntego zayo cyangwa itarazigezeho.

36. Ibiro bya Gerefiye bishobora gusaba Avoka mukuru gutanga amakuru cyangwa inyandiko by'inyongera kugira ngo bishobore gusuzuma akazi kaba kakozwe n'ikipe y'ubwunganizi. Bishingiye kuri Raporo isoza igice cy'iburanisha no ku makuru y'inyongera ayo ari yo yose byahawe n'Avoka mukuru, Ibiro bya Gerefiye biriha igice gisigaye cy'amafaranga yari yarateganyijwe gutangwa icyo gice cy'iburanisha kirangiye. Iyo amakuru y'inyongera yatanzwe adahagije cyangwa se ntayatanzwe, bityo Ibiro bya Gerefiye bikaba bidashobora kugenzura biriya bintu byavuzwe haruguru mu bika 34 na 35, icyo gihe bishobora kugabanya ayo mafaranga bishingiye ku makuru bifite yerekeye umubare w'amasaha n'akazi byakozwe<sup>17</sup>.
37. Byongeye kandi, habaye hari impamvu ituma Ibiro bya Gerefiye bitekereza ko mu kazi kakozwe n'ikipe y'ubwunganizi cyangwa mu myitwarire y'abagize iyo kipe harimo ibintu bidakurikije amategeko, cyangwa ko igice kinini cy'akazi kakozwe n'iyi kipe kidashyize mu gaciro cyangwa kitari gikenewe, bishobora kwanga kwishyura igice cy'amafaranga ateganyijwe kwishyurwa icyo gice cy'iburanisha kirangiye, cyangwa yose uko yakabaye. Mbere yo kwanga kwishyura ayo mafaranga, Ibiro bya Gerefiye bibanza guha Avoka mukuru umwanya wo kugira icyo avuga kuri ibyo bintu biba bivugwa byo kudakurikiza amategeko cyangwa gukora mu buryo budahwitse, kandi:
- (a) Avoka mukuru akabyandikira yemeranywa na byo kuri ibyo bintu; cyangwa
  - (b) bikabijyaho inama n'Urugereko rwa Mbere rw'Iremezo na/cyangwa Ishyirahamwe ry'abavoka bunganira abaregwa; cyangwa
  - (c) bikabijyaho inama n'Urugereko rwa Mbere rw'Iremezo hanyuma bigashyikiriza icyo kibazo Akanama gashinzwe disipurini kavugwa mu Ngingo ya 40 y'Amategeko yerekeye imyitwarire mu kazi.

Iyo Urugereko rwa Mbere rw'Iremezo rubitegetse, Ibiro bya Gerefiye bishobora no gukura muri ayo mafaranga andi yose yatanzwe ku itegurwa ry'icyifuzo Urugereko rwemeje ko kitari gifite shinge na rugero cyangwa ko cyarengaga nkana ku mategeko agenga imiburanishirize hakurikijwe Ingingo ya 80(D) y'Amategeko.

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<sup>17</sup> Nk'urugero, iyo impapuro zandikwaho umubare w'amasaha yakozwe cyangwa fomu zuzuzwaho amakuru yerekeye amafaranga abantu bagenerwa yo kubatunga buri muni birebana n'amezi amwe n'amwe bitatanzwe cyangwa se iyo Avoka mukuru atatanze amakuru ahagije yerekeranye n'akazi kakozwe kugira ngo gashobore gusuzumwa uko bikwiye.

38. Avoka mukuru aramutse atanyuzwe n'icyemezo cy'Ibiro bya Gerefiye cyo kudatanga amafaranga y'umubumbe yose uko yakabaye cyangwa igice cyayo, ashobora gusaba ko icyo cyemezo gisubirwamo hakurikijwe inzira ziteganywa n'Ingingo ya 32 y'Amabwiriza.

**G. UKO IBIHEMBO BITANGWA MU GIHE CY'IKIRUHUKO  
CY'ABACAMANZA N'UBURYO BWO GUHUZA IMIBARE**

39. Iyo igice cy'iburanisha runaka kirangiye kandi igihe nyacyo kimaze kizwi, Ibiro bya Gerefiye bibara bundi bushya amafaranga y'umubumbe hakurikijwe icyo gihe nyacyo icyo gice cy'iburanisha cyamaze, kugira ngo bishobore guhuza umubare w'amafaranga ikipe y'ubwunganizi yahaye n'uw'ayo igomba guhabwa hakurikijwe ingano y'ayo mafaranga y'umubumbe amaze kubarwa bundi bushya.

40. Mu kubara amafaranga y'umubumbe bundi bushya, Ibiro bya Gerefiye bishingira kuri ibi bikurikira:

(a) umubare nyawo w'iminsi y'iburanisha; na

(b) umubare w'iminsi itarabayeho iburanisha ariko Ibiro bya Gerefiye bikaba byemera ko, bishingiye ku makuru byahawe n'Urugereko rwa Mbere rw'Iremezo n'ibyangombwa byatanzwe n'Avoka mukuru, ikipe y'ubwunganizi yakozeho akazi gashyize mu gaciro kandi kari gakenewe. Ubusanzwe ibi bintu bimaze kuvugwa ntibigendera kuri gahunda ikurikizwa mu guhembera akazi kakozwe mu mu gihe cy'ibiruhuko by'Abacamanza, isobanurwa mu bika 44 na 45.

41. Kubera iyo mpamvu, ikipe y'ubwunganizi igomba kubika amakuru arambuye yerekeranye n'akazi buri wese mu bayigize aba yarakoze mu gihe cy'iminsi itari iy'iburanisha itanu n'iri muni yayo, ayo makuru ikayashyikirize Ibiro bya Gerefiye hamwe na Raporo isoza igice cy'iburanisha kirangiye. Iyo iminsi itari iy'iburanisha igera kuri itandatu cyangwa irengaho, abagize ikipe y'ubwunganizi bose bagomba kubika amafagitire y'amasaha bakoze, akubiyemo amakuru arambuye, nk'uko bisabwa mu gika cya 44.

42. Iyo amafaranga y'umubumbe yabazwe bundi bushya ahuye n'ayari yarateganyijwe mbere, icyo gihe ayari yarateganyijwe gutangwa igice cy'iburanisha kirangiye atangwa yose uko yakabaye. Iyo amafaranga y'umubumbe abazwe bundi bushya abaye menshi ku yari yarateganyijwe mbere, mu gihe cyo guhembwa amafaranga yateganyijwe

gutangwa igice cy'iburanisha kirangiye ikipe y'ubwunganizi ihabwa n'abura ku yari yarabazwe mbere. Iyo amafaranga y'umubumbe abazwe bundi bushya abaye make ku yari yarateganyijwe mbere, mu gihe cyo guhamba ikipe y'ubwunganizi amafaranga yari yarateganyijwe gutangwa igice cy'iburanisha kirangiye, hakurwamo arenga ku yari yarateganyijwe mbere.

43. Mu gihe cyo guhuza amafaranga aba yarateganyijwe mbere n'agomba gutangwa nyirizina, Ibiro bya Gerefiye bibariramo n'ibihe by'iminsi itari iy'iburanisha itanu cyangwa iri muni yayo nk'uko byavuzwe haruguru. Iyo muri icyo muni ubwunganizi bwakoze akazi gashyize mu gaciro kandi kari gakenewe, Ibiro bya Gerefiye biyongera ku gihe kibazwe bundi bushya icyo gice cy'iburanisha cyamaze.

#### **Amafaranga y'ibihembo atangwa ku kazi kakozwe mu bihe by'ikiruhuko cy'Abacamanza**

44. Uretse gusa mu mezi y'akazi asanzwe Urukiko ruzaba rutaburanishije<sup>18</sup>, ubusanzwe, mu gihe cyo kubara bundi bushya igihe nyacyo igice runaka cy'iburanisha cyamaze kugira ngo bashobore kubara bundi bushya amafaranga y'umubumbe, ibihe by'iminsi itari iy'iburanisha igeze kuri itandatu ikurikiranye cyangwa irenze, harimo n'iminsi yagenewe ikiruhuko cy'Abacamanza, ntibibarwa. Avoka mukuru ashobora gushyikiriza Ibiro bya Gerefiye icyifuzo gitangiwe impamvu asaba ko ikipe y'ubwunganizi ihemberwa, ku ruhande, akazi gashyize mu gaciro kandi kari gakenewe yakoze muri ibyo bihe. Muri icyo cyifuzo agomba kugaragaza impamvu byari ngombwa ko ako kazi gakorwa muri icyo gihe cy'ikiruhuko cy'Abacamanza. Ibiro bya Gerefiye bishobora gusaba Urugereko rwa Mbere rw'Iremezo kubibwira akazi kari gakenewe gukorwa muri ibyo bihe. Iyo Ibiro bya Gerefiye bisanze koko ari ngombwa ko ayo mafaranga y'ibihembo atangwa, bikorwa ku buryo bukurikira:

- (a) ku kiruhuko cy'Abacamanza kireshya n'igihe kiri hagati y'iminsi itandatu n'ibyumweru bine, Ibiro bya Gerefiye bikomeza gutanga amafaranga ya buri kwezi avanwa ku mafaranga y'umubumbe aba yarabazwe mbere. Ikipe y'ubwunganizi ibika amafagitire akubiyemo amakuru arambuye yerekeranye n'umubare w'amasaha yakozwe nk'uko biteganywa n'Amabwiriza yerekeye

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<sup>18</sup> Reba igisobanuro N° 8 cyo hasi ku rupapuro.

itangwa ry'amafagitire. Ayo mafagitire agomba gutangirwa hamwe na Raporo isoza igice cy'iburanisha. Iyo ayo mafagitire amaze gusuzumwa, amafaranga agomba guhemberwa akazi gashyize mu gaciro kandi kari gakenewe kakozwe yongerwa ku gice cy'amafaranga y'umubumbe gitangwa igice cy'iburanisha kirangiye.

(b) ku kiruhuko cy'Abacamanza kirengeje ibyumweru bine, Ibiro bya Gerefiye bihagarika gutanga amafaranga ya buri kwezi, kereka igihe hari impamvu simusiga zituma biba ngombwa ko akomeza gutangwa. icyo gihe, uko ukwezi kurangiye, mu guhembesha amasaha yakozwe, ikipe y'ubwunganizi itanga amafagitire akubiyemo amakuru arambuye, nk'uko biteganywa n'Amabwiriza yerekeye itangwa ry'amafagitire. Iyo Ibiro bya Gerefiye bimaze gusuzuma ayo mafagitire, bihembera, mu buryo butaziguye, buri wese mu bagize ikipe y'ubwunganizi akazi gashyize mu gaciro kandi kari gakenewe yakozwe. Amafaranga yose hamwe abagize ikipe y'ubwunganizi bose bashobora guhembwa ku kwezi kubera gukora akazi nk'ako ntagomba kurenga umubare ntarengwa w'ayo basanzwe bemerewe guhabwa buri kwezi. Avoka mukuru ashobora gusaba ko buri gihe uko ukwezi gutangiye Ibiro bya Gerefiye biha ikipe y'ubwunganizi amafaranga agomba kugenda ku biro muri uko kwezi, atarenze umubare ntarengwa w'amafaranga asanzwe ateganyijwe gutangwa ku biro, hakurikije ibiteganywa n'igika cya 23<sup>19</sup>.

45. Umubare w'amafaranga Avoka n'abakozi bakora imirimo yunganira indi bazajya bahembwa ku isaha uvugwa mu gice kivuga ku byerekeranye n'amafaranga amakipe y'ubwunganizi ahembwa ku isaha<sup>20</sup>. Amafagitire ahembesha amasaha yakozwe agombwa gutangwa hakurikijwe Amabwiriza yerekeye itangwa ry'amafagitire<sup>21</sup>.

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<sup>19</sup> Ibiro bya Gerefiye bizajya bigena amafaranga aba ahari yo kugenda ku biro bishingiye ku biteganywa n'igika cya 3. Buri kwezi ubwunganizi buzajya buba bwemerewe ayo mafaranga yo gutanga ku biro, kabone n'iyi nta kazi kazajya kaba kagomba gukorwa muri uko kwezi.

<sup>20</sup> Kopi y'iyi nyandiko iri ku rubuga rwa murandasi rwa MICT.

<sup>21</sup> *Ni kimwe no haruguru*

## **H. AMAFARANGA IKIPE Y'UBWUNGANIZI ISHOBORA GUHEMBWA KUBERA AKAZI KAKOZWE NYUMA Y'IMYANZURO NSOZARUBANZA MU MAGAMBO**

46. Nyuma y'isozwa ry'itangwa ry'ibimenyetso bishinjura, iyo havutse impamvu simusiga, zishingiye ku byabaye cyangwa zo mu rwego rw'amategeko, zituma habaho akazi kenshi kagomba gukorwa mu gihe kiri hagati ya nyuma y'itangwa ry'imyanzuro nsozarubanza mu magambo n'isomwa ry'urubanza mu rw'iremezo, Avoka mukuru ashobora gushyikiriza Ibiro bya Gerefiye icyifuzo gitangiwe impamvu gisaba ko ako kazi gahemberwa. icyo cyifuzo kigomba kuba cyanditse, kigatangwa mbere y'uko ako kazi gakorwa kandi kikaba gisobanura ako kazi gakeneye gukorwa ako ari ko, umubare w'amasaha avoka na/cyangwa abakozi bakora imirimo yunganira indi bazakenera kugira ngo barangize buri gikorwa n'impamvu ako kazi katashoboye gukorwa mbere y'uko igice cyahariwe gutanga ibimenyetso bishinjura kirangira. Bibaye ngombwa, Ibiro bya Gerefiye bishobora gusaba Avoka mukuru gutanga amakuru n'inyandiko by'inyongera kugira ngo bishobore gusuzuma neza icyo cyifuzo. Ibiro bya Gerefiye bishobora gusaba amakuru Urugereko rwa Mbere rw'Iremezo ku birebanan n'imirimo rubona igomba gukorwa.
47. Umubare w'amafaranga avoka n'abakozi bakora imirimo yunganira indi bahembwa ku isaha avugwa mu gice kivuga ku byerekeranye n'amafaranga amakipe y'ubwunganizi azajya ahembwa ku isaha<sup>22</sup>. Avoka ashyikiriza Ibiro bya Gerefiye amafagitire y'ukwezi akubiyemo amakuru arambuye, asobanura umubare w'amasaha y'akazi yakozwe n'akazi kakozwe, nk'uko biteganywa n'Amabwiriza yerekeye itangwa ry'amafagitire<sup>23</sup>.

## **I. INGENDO**

48. Kwishyura amafaranga ajyanye n'ingendo bikorwa hashingiwe ku Ngingo ya 27 n'iya 28 z'Amabwiriza<sup>24</sup>.
49. Ingendo z'abagize ikipe y'ubwunganizi zigengwa n'aya mahame akurikira: (i) ingendo n'amafaranga yo gutunga abazaba bazigiyemo buri muni byemezwa ari uko bigaragaye ko izo ngendo ari ngombwa kandi ko zishyize mu gaciro hashingiwe ku

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<sup>22</sup> Ni kimwe no haruguru.

<sup>23</sup> Ni kimwe no haruguru.

<sup>24</sup> Aho bishoboka hose, avoka agomba gutanga icyo cyifuzo hasigaye nibura iminsi 21 kugira ngo itariki y'urwo rugendo igere.

bintu byihariye biranga urwo rubanza; no (ii) kuzirikana ko, uko bishoboka kose, ari ngombwa kudasesagura umutungo wa rubanda, ku buryo MICT ikoresha amafaranga make ashoboka kandi uburenganzira bw'uregwa bukubahirizwa bwose uko bwakabaye. Mu by'ukuri, icyo ibi bishatse kuvuga ni uko, igihe cyose bishoboka, ibintu bitandukanye bikeneye gukorwa bigomba kujya bikorwa mu rwego rw'urugendo rumwe.

50. Rushingiye ku kuntu ahantu urugendo rugomba gukorerwa hareshya no ku gihe gikenewe kugira ngo rukorwe, Urugereko rushobora kwemera ko hakorwa ingendo zikurikira:

### **Ingendo zigamije gukora iperereza**

51. Mu cyiciro cy'iburanisha ryo mu rw'iremezo, Ibiro bya Gerefiye bishobora kwemera ko hakorwa ingendo zo gukora iperereza, kubonana n'abatangabuhamya, gushashaka mu nyandiko zishynguye no gukora indi mirimo ijyanye n'iperereza. Abajya mu ngendo nk'izo mbere na mbere ni abapererezi, rimwe na rimwe Avoka mukuru n'Avoka wungirije na bo bakaba bazijyamo (Nk'urugero, iyo bagiye kubaza ibibazo abatangabuhamya b'ingenzi n'abatangabuhamya bashyizwe kuri gahunda yo gutanga ubuhamya mu rubanza). Abagishwanama mu by'amategeko/abafasha mu by'amategeko bazajya bajya mu ngendo nk'izo ari uko gusa habaye ikintu kidasanzwe, bari gukora mu mwanya w'avoka cyangwa w'umupererezi (Nk'urugero, iyo avoka cyangwa umupererezi badashoboye kujya muri urwo rugendo bitewe n'impamvu zumvikana).
52. Mu gusuzuma ibyerekeye urugendo nk'urwo n'amafaranga yo gutunga buri muni abagomba kurujyamo, Ibiro bya Gerefiye bishingira ku kuba urwo rugendo rushyize mu gaciro kandi ari ngombwa, imiterere n'ingano by'akazi kagomba gukorwa no kudasesagura umutungo wa rubanda.

### **Ingendo z'Avoka mukuru n'Avoka wungirije bajya mu bihugu batuyemo**

53. Ibiro bya Gerefiye bishobora kwemerera Avoka mukuru n'Avoka wungirije kujya mu bihugu batuyemo, buri mezi atatu na mbere y'ikiruhuko cy'Abacamanaza cyo mu

Mpeshyi n'icyo mu mpera z'umwaka. Igihe abo bavoka bari mu rugendo nk'urwo ntibagenerewe amafaranga yo kubatunga buri muni.

54. Iyo avoka atuye kure cyane y'aho icyicaro cya MICT bireba gihereye, ku buryo kujya muri icyo gihugu buri mezi atatu mu gihe cy'iburanisha bidashoboka cyangwa byaba bivunanye cyane, iyi Poritike iteganya ko ashobora gusaba Ibiro bya Gerefiye kumwemerera kujya ajya mu kindi gihugu afite aho ahiriye na cyo aho kujya mu cyo atuyemo.
55. Iyo mu kujya cyangwa kuva ku cyicaro cya MICT avoka ahisemo kugenda n'imodoka itari iya MICT, MICT yishyura amafaranga y'urwo rugendo, ipfa gusa kudatanga arenze ayatangwa ku itike y'indege y'umugenzi ugiye mu mwanya wo mu rwego ruciriritse.

#### **Ingendo z'abakozi bakora imirimo yunganira indi baja ku cyicaro runaka cya MICT**

56. Muri buri gice cy'iburanisha ryo mu rw'iremezo, Ibiro bya Gerefiye bishobora kwemera kuriha urugendo rumwe gusa, rwo kuva ku cyicaro runaka cya MICT no kuhagaruka, ku mukozi umwe mu bakora imirimo yunganira indi. Muri icyo gihe uwo mukozi aba ari ku cyicaro cya MICT, ntagenerwa amafaranga yo kumutunga buri muni.

#### **Ingendo z'impuguke z'ubwunganizi**

57. Muri rusange, MICT ntiyishyura amafaranga y'urugendo rw'umuntu w'impuguke uje ku cyicaro cyayo runaka. Ku buryo budasanze ariko, iyo urwo rugendo ari ngombwa kugira ngo iyo mpuguke ishobore gutunganya akazi yashinzwe (Nk'urugero, nk'igihe iyo mpuguke ije gukorera uregwa ibizamini byo kwa muganga cyangwa gusuzuma ibintu idashobora kugeraho ukundi uretse kubisanga ku cyicaro cya MICT), Ibiro bya Gerefiye bishobora kwemera ko MICT iriha amafaranga y'urwo rugendo. Ibyifuzo bisaba ko MICT iriha amafaranga y'ingenzo z'impuguke z'ubwunganizi bisuzumwa buri cyose ukwacyo, hashingiwe ku miterere y'ako kazi k'impuguke gakeneye gukorwa.



58. Amafaranga y'ingendo n'amacumbi by'abatangabuhamya b'impuguke b'ubwunganizi yishyurwa na MICT binyuze mu Gashami kayo gashinzwe gufasha abatangabuhamya no kubarindira umutekano (WISP). Icyo gihe amakipe y'ubwunganizi agomba kuvugana, ku buryo butaziguye, n'abahagarariye ako Gashami, ibikenewe gukorwa kugira ngo ayo mafaranga yishyurwe.

**Ingendo zo gushyikirana n'uregwa hagati y'isozwa ry'iburanisha ry'urubanza n'isomwa ryarwo**

59. Nyuma y'itangwa ry'imyanzuro nsozarubanza mu magambo, ubusanzwe abavoka b'uregwa ntibakeneye kuba bari ku cyicaro cya MICT. Guhera icyo gihe ariko kugera urubanza rwo mu rw'iremezo rusomwe, Ibiro bya Gerefiye bishobora kwemera ingendo zikurikira, bishingiye ku kuntu buri rugendo rugomba gukorwa rureshya n'igihe rugomba kumara:

- (a) Avoka mukuru cyangwa Avoka wungirije ashobora kwemererwa gukora urugendo rumwe buri kwezi, akagenerwa amafaranga yo kumutunga buri munsi mu gihe kitarenze iminsi itatu; cyangwa
- (b) Avoka mukuru cyangwa Avoka wungirije ashobora kwemererwa gukora urugendo rumwe buri mezi abiri, akagenerwa amafaranga yo kumutunga buri munsi mu gihe kitarenze iminsi irindwi.

60. Iyo hari impamvu zihariye kandi zidasanzwe zireba uregwa (Nk'urugero, iyo hari ibimenyetso bigaragaza neza ko ubuzima bwe bwo mu mutwe cyangwa ku mubiri bugenda burushaho kumera nabi), zituma biba ngombwa ko avoka we amusura incuro nyinshi kurushaho, avoka abisaba abinyujije mu cyifuzo gitangiwe impamvu ashyikiriza Ibiro bya Gerefiye. Ibyo Biro bisuzuma ibyifuzo nk'ibyo buri kimwe ukwacyo, hitaweho impamvu zihariye zijyanye n'ikibazo cyavutse.

**J. AMAFARANGA ABAVOKA BAGENERWA YO KUBATUNGA BURI MUNSI MU GIHE CY'IBURANISHA MU RW'IREMEZO**

61. Mu gihe cy'iburanisha ryo mu rw'iremezo, abavoka batuye ahantu hatari ku cyicaro cya MICT bireba bagenerwa amafaranga yo kubatunga buri munsu ku minsi baba bakoze akazi gafitanye isano n'iburanisha ry'urubanza kandi bagakoreye aho icyo cyicaro cya MICT bireba kiri, haseguriwe ibivugwa mu gika cya 66. Muri icyo minsi abavoka baba bari kuri icyo cyicaro, ntibemerewe guhabwa amafaranga yo kubatunga buri munsu icyo bagiye ahandi hantu hatari ku cyicaro cya MICT bireba mu rwego rw'ingendo zabo bwite, kimwe n'iminsi baba bari ku cyicaro cya MICT ariko ntibakore akazi gafitanye isano n'urubanza mu gihe cy'amasaha nibura ane ku munsu.
62. Mu cyiciro cy'iburanisha mu rw'iremezo, Avoka mukuru n'Avoka wungirije batuye ahari ku cyicaro cya MICT bireba, bemerewe guhabwa amafaranga rusange yo kubatunga buri munsu ahwanye n'ay'iminsi 22, hubahirijwe ibivugwa mu bika 66-69.
63. Iyo iburanisha ritangiye, Ibiro bya Gerefiye bihita bihamba Abavoka igice cya mbere cy'amafaranga rusange bagenerwa mu rwego rwo kubatunga buri munsu.
64. Ibiro bya Gerefiye bihamba Abavoka igice cya kabiri cy'amafaranga rusange bagenerwa yo kubatunga kimwe n'ibindi bice by'ayo mafaranga bikurikiraho, ari uko batanze fomu yujujwe uko bikwiye, bishyuzwa ayo mafaranga. Avoka mukuru na we ashira umukono ku mafomu yujujwe n'Avoka wungirije. Kuri icyo fomu yishyuzwa ayo mafaranga, Avoka mukuru n'Avoka wungirije basaba guhemberwa iminsi runaka y'ukwezi kumaze gushira, bagasobanura impamvu bagomba guhemberwa icyo minsi bavugaga ko:
  - (a) bagiye mu muburanisha cyangwa ko bayakurikiranye; cyangwa
  - (b) hari ibyo bakoreye ku cyicaro cya MICT bireba bifitanye isano n'urubanza barimo kandi byabatwaye igihe cy'amasaha nibura ane, birimo, n'ubwo atari byo gusa, gutegura imyanzuro yanditse, kwitegura ibazwa ry'abatangabuhamba, kubonana n'abahagarariye Ibiro bya Porokireri, kubonana n'abavoka bunganira abandi bareganwa hamwe n'uregwa, n'indi mirimo. Ba avoka batanga amakuru arambuye ku byerekeye akazi kakozwe.

65. Buri gice cy'amafaranga rusange mu bigenda bihabwa ba avoka nyuma kiba kigizwe n'amafaranga yo kubatunga buri muni mu gihe cy'iminsi 22, hongeweho abura cyangwa havuyeho arenga ku yo bahawe mu kwezi kubanziriza uko barimo. Uko kongeraho amafaranga aburaho cyangwa kvanaho arengaho ni byo byitwa "igeno ry'inyongera":

(a) Iyo, mu kwezi kubanziriza uko abavoka barimo guhemberwa, umubare w'iminsi bamaze ku cyicaro cya MICT bitewe n'impamvu zifitanye isano n'urubanza urenze iriya 22 bemerewe guherwa amafaranga rusange yo kubatunga buri muni, icyo gihe bemerewe igice cy'amafaranga y'inyongera (Ni ukuvuga ko hejuru y'ariya mafaranga rusange y'iminsi 22 abavoka bahabwa yo kubatunga buri muni, bemerewe guhabwa igice cy'inyongera cy'amafaranga yo kubatunga buri muni ahwanye n'iminsi runaka).

(b) Iyo, mu kwezi kubanziriza uko abavoka barimo guhemberwa, umubare w'iminsi bamaze ku cyicaro cya MICT bitewe n'impamvu zifitanye isano n'urubanza utageze kuri iriya minsi 22 bemerewe guherwa amafaranga rusange yo kubatunga buri muni, icyo gihe ntibemerewe guhabwa ay'iyi minsi 22 yose uko yakabaye (Ni ukuvuga ko abavoka bemerewe guhabwa amafaranga yo kubatunga buri muni hakurikijwe gusa ibivugwa mu gika cya 64).

66. Iyo iburanisha risubitswe igihe cy'iminsi irenze itanu, muri icyo minsi avoka ntiyemerewe guhabwa amafaranga yo kumutunga buri muni. Ibyo bishobora kudakurikizwa ariko icyo avoka agaragaje ko hari akazi kajyanye n'urubanza byari ngombwa ko akorera ku cyicaro cya MICT bireba<sup>25</sup>. Icyo gihe, avoka agomba gusobanura ku buryo burambuye akazi kakozwe n'impamvu byabaye ngombwa ko gakorera kuri icyo cyicaro cya MICT. Avoka ashobora gusaba guhabwa amafaranga yo kumutunga ku muni ajyanye n'umunsi umwe ubanziriza isubukurwa ry'urubanza.

67. Iminsi abavoka bamaze mu rugendo rutagize aho ruhuriye n'urubanza n'iyi bamaze mu rugendo rufitanye isano n'urubanza ariko ahandi hantu hatari ku cyicaro cya MICT bireba, ivanwa muri ariya mafaranga rusange bagenerwa yo kubatunga buri muni. Amafaranga abavoka bagenerwa yo kubatunga buri muni icyo bari mu rugendo

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<sup>25</sup> Nk'urugero, gusura uregwa muri gereza cyangwa kubonana n'abahagarariye Ibiro bya Porokireri, Urugereko cyangwa Ibiro bya Gerefiye.

rufitanye isano n’urubanza, ahantu hatari ku cyicaro cya MICT bireba, agomba kwishyuzwa hakurikijwe ibivugwa mu Cyiciro cya I.

68. Ku birebana n’ukwezi kwa nyuma kw’iburanisha, amafaranga abavoka bagenerwa yo kubatunga buri muni yishyurwa ari uko gusa Ibiro bya Gerefiye bimaze kwemera fomu batanze bishyuzwa amafaranga nk’ayo mu mezi abiri ya nyuma y’urubanza kandi, iyo bibaye ngombwa, hamaze kuvanwaho arenga cyangwa kongerwaho abura ku yagombaga gutangwa.
69. Abagize ikipe y’ubwunganizi bagomba gutanga fomu zishyuzwa amafaranga bagenerwa yo kubatunga buri muni mu gihe kitarenze iminsi 60 uherye ku muni wa nyuma w’ukwezi baherukira kwishyuzamo amafaranga nk’ayo.

#### **K. INGINGO ZISOZA**

70. Iyo bibaye ngombwa kugisha inama Urugereko rwa Mbere rw’Iremezo cyangwa kurusaba gutanga amakuru hashingiwe kuri iyi Poritike, Urugereko rushobora kwanga gutanga ibitekerezo byarwo cyangwa amakuru yerekeye urubanza, gusaba ko Avoka mukuru ahabwa kopi igihe cyose Ibiro bya Gerefiye bisabye inama nk’iyo, cyangwa gufata izindi ngamba izo ari zo zose rubona zikwiye. Iyo Urugereko rwanze guha Ibiro bya Gerefiye ibitekerezo cyangwa amakuru yerekeye urubanza, ibihe ntarengwa bivugwa muri iyi Poritike bitangira kubarwa uherye ku muni Ibiro bya Gerefiye byamenyeyeho icyo gisubizo cy’Urugereko rwa Mbere rw’Iremezo.
71. Iyo habayeho impungenge zikomeye, Ibiro bya Gerefiye bishobora gusaba amakuru no kugenzura akazi kakozwe n’uwo ari we wese mu bagize ikipe y’ubwunganizi cyangwa abayigize bose. Ni yo mpamvu Avoka mukuru agomba kubika amadosiye yose y’ubwunganizi mu gihe cy’imyaka itanu nibura, uherye ku muni urubanza rwaciriweho ku buryo budasubirwaho cyangwa hafashwe icyemezo cyo guhagarika urubanza burundu.
72. Inyandiko Avoka mukuru ashyikiriza Ibiro bya Gerefiye hakurikijwe iyi Poritike zicungwa hitaweho urwego rw’ibanga zikwiye kubamo.

73. Iyo itariki ntarengwa yo gukora ikintu runaka iteganywa n'iyi Poritike iguye ku munsu utari uw'akazi, icyo gihe yimurirwa ku munsu w'akazi ukurikiyeho.
74. Impaka zose zikomoka ku ishyirwa mu bikorwa ry'iyi Poritike zikemurwa hakurikijwe Ingingo ya 32 y'Amabwiriza.