

**URWEGO MPUZAMAHANGA RWASHYIRIWEHO GUKORA IMIRIMO
Y'INSIGARIRA Y'INKIKO MPANABYAHA**

**AMABWIRIZA YEREKEYE UBURYO ABAFUNGWA BAHANWA MU RWEGO RWA
DISIPURINE**

(MICT/24)

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Ashyizweho na Gerefiye

Tariki ya 5 Ukuboza 2018

IRIBURIRO

Ashingiye ku Mategeko agenga ifungwa ry'abantu bategereje kuburanishwa na IRMCT mu rw'iremezo cyangwa mu bujirire cyangwa bafunze ku itegeko rya IRMCT ("Amategeko agenga ifungwa"), Gerefiye w'Urwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y'Insigarira y'Inkiko Mpanabyaha ("IRMCT") ashyizeho Amabwiriza yerekeye uburyo abafungwa bahanwa mu rwego rwa disipurine ("Amabwiriza").

INGINGO RUSANGE

Ingingo ya 1

- (A) Hashingiwe ku Ngingo ya 58 n'ya 59 z'Amategeko agenga ifungwa, aya mabwiriza ateganya uburyo bukurikizwa mu gutanga ibihano byo mu rwego rwa disipurine bihabwa umufungwa cyangwa umuntu wahamijwe icyaha utegereje kurangiza igihano cye bivugwa ko yanyuranyije n'Amategeko agenga ifungwa.
- (B) Uretse igihe aya Mabwiriza abiteganya ukundi, ubundi akurikizwa ku bafungwa bose bo muri Gereza y'Umuryango w'Abibumbye, Arusha, muri Repubulika Yunze Ubumwe ya Tanzaniya n'abafungwa i Lahe, mu Buholandi ("Gereza"). Akurikizwa kandi haseguriwe ibiteganywa n'Amategeko agenga ifungwa, harimo n'ibisobanuro by'amagambo akoreshwa biri mu Ngingo ya 2 y'ayo Mategeko kandi, aho ari ngombwa, haseguriwe ibiteganywa n'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso ya IRMCT.

- (C) Igihe cyose hari ubutumwa bugomba kugezwa ku mufungwa cyangwa we agomba kugeza ku bandi bantu hashingiwe kuri aya Mabwiriza, bigomba gukorwa mu rurimi yumva.

Ingingo ya 2

- (A) Disipurine n’umutekano bigomba kubungabungwa hatabayeho kubuza abafungwa ibintu birenze ibiri ngombwa kugira ngo muri Gereza habe umutekano n’umudendezo kandi abantu bose bayirimo bagire ubuzima bwiza n’umutekano.
- (B) Muganga [Ukuriye serivise y’ubuvuzi] n’abandi bakozi bashinzwe kwita ku buzima bashyikiriza Komanda, bidatinze, raporo ku ngaruka mbi zose ibihano byo mu rwego rwa disipurine byagize ku buzima bw’umubiri cyangwa bwo mu mutwe bw’umufungwa, bakanamenyeshya Komanda niba babona ari ngombwa kuvanaho cyangwa guhindura ibyo bihano kubera impamvu z’ubuzima bw’umufungwa ku mubiri cyangwa mu mutwe we.

Ingingo ya 3

- (A) Umufungwa ntashobora guhanwa keretse igihe hashingiwe kuri aya Mabwiriza no ku mahame yerekeye guhana mu buryo buboneye kandi hubahirijwe amategeko. Nta mufungwa ushobora na rimwe guhanirwa igikorwa kimwe cyangwa ikosa rimwe incuro ebyiri.
- (B) Ibihano byo mu rwego rwa disipurine bigomba kuba bijyanye n’uburemere bw’ikosa byashyiriweho kandi bica intege uwo ari we wese watekereza gukora iryo kosa ikindi gihe.
- (C) Mbere yo gutanga ibihano byo mu rwego rwa disipurine, Komanda asuzuma niba ubuzima bwo mu mutwe bw’umufungwa cyangwa ubumuga bwo mu miterere ye yo mu mutwe bwaba bwaragize uruhare mu myitwarire ye no mu ikorwa ry’ikosa yakoze cyangwa mu gikorwa cyatumye ashinjwa kunyuranya na disipurine. Komanda ntashobora guhanira umufungwa imyitwarire ye ifatwa ko yatewe n’uburwayi cyangwa ubumuga byo mu mutwe.

AMAKOSA YO MU RWEGO RWA DISIPURINE

Ingingo ya 4

Imyitwarire ikurikira ifatwa nk'amakosa yo mu rwego rwa disipurine:

- (A) Kwanga kubahiriza itegeko cyangwa amabwiriza bitanzwe n'umwe mu bakozi ba Gereza kandi bitanzwe mu nzira zemewe n'amategeko;
- (B) Gutuka umukozi wa Gereza, undi mufungwa cyangwa umushyitsi wa Gereza uwo ari we wese;
- (C) Gukorera urugomo cyangwa gusagarira umukozi wa Gereza, undi mufungwa cyangwa umushyitsi wa Gereza uwo ari we wese;
- (D) Gutungira muri Gereza ikintu icyo ari cyo cyose kibujijwe n'Amategeko agenga ifungwa;
- (E) Gukomeza kwitwara nabi nyuma yo kwihanangirizwa hashingiwe ku biteganywa n'Ingingo ya 7(B);
- (F) Kugerageza cyangwa gutegura igikorwa cyo gutoroka Gereza;
- (G) Kubangamira nkana umukozi cyangwa undi muntu uwo ari we wese uri kuri Gereza kubera impamvu z'akazi, mu gihe arimo gukora umurimo we.
- (H) Gusenya cyangwa kwangiza igice cya Gereza icyo ari cyo cyose cyangwa undi mutungo uwo ari wo wose utari uwe.
- (I) Kunyuranya n'Amategeko agenga ifungwa n'Amabwiriza yerekeye ifungwa ya IRMCT, mu gihe ibyo bibangamira umutekano, umudendezo na disipurine muri Gereza cyangwa bikabangamira ubuzima n'umutekano by'umuntu uwo ari we wese uyirimo, nk'urugero, kwigomeka cyangwa ubwinjiracyaha bwo kwigomeka; cyangwa
- (J) Guhamagarira cyangwa kugerageza guhamagarira undi mufungwa gukora iryo ari ryo ryose mu makosa yavuzwe haruguru.

UBURYO BUKURIKIZWA

Ingingo ya 5

- (A) Iyo umufungwa yanze kubahiriza itegeko cyangwa amabwiriza ahawe n'umwe mu bakozi ba Gereza hashingiwe ku Ngingo ya 4(A), umukozi mukuru ushinzwe ibikorwa w'izamu, bitegetswe na Komanda, ahita ahamagarwa vuba na bwangu maze, hashingiwe kuri aya Mabwiriza, agasuzuma niba mu kwanga kubahiriza ayo mabwiriza yahawe, uwo mufungwa yari afite ukuri. Iyo umukozi mukuru ushinzwe ibikorwa asanze mu kwanga kubahiriza ayo mabwiriza, uwo mufungwa atari afite ukuri, ateguka umwe mu bakozi ba Gereza gutanga raporo kuri icyo kibazo ashingiye ku bisabwa mu Ngingo ya 5(B).
- (B) Iyo umufungwa akekwoho gukora ikosa ryo mu rwego rwa disipuline riteganywa mu Ngingo ya 4, cyangwa iyo umukozi yagize aho ahurira n'iyi myitwarire cyangwa yabonye hakorwa ikosa riteganywa n'Ingingo ya 4, uwo mukozi agomba guha raporo umukozi mukuru ushinzwe ibikorwa wari mu kazi mu gihe iryo kosa rivugwa ko ari iryo mu rwego rwa disipuline ryabaga. Abakozi bese bagize aho bahurira n'iryo kosa cyangwa babonye rikorwa bagomba, buri wese, kwandika raporo irambuye ivuga uko ibintu byose byagenze, akayohereza Komanda.
- (C) Akimara kwakira raporo (amaraporo) y'abakozi, Komanda atumira umufungwa n'abatangabuhamya bese bireba kugira ngo batange andi makuru, mu nyandiko cyangwa mu magambo, hifashishijwe umusemuzi, iyo ari ngombwa. Iyo, nyuma yo gusaba andi makuru, Komanda asanze umufungwa yarakoze ikosa ryo mu rwego rwa disipuline riteganywa mu Ngingo ya 4, ahana uwo mufungwa hashingiwe ku ngingo ya 7.

INGAMBA Z'IGIHE GITO

Ingingo ya 6

- (A) Umukozi wa Gereza waketse cyangwa wabonye ikosa ryo mu rwego rwa disipurine rikorwa, ashobora gufata ingamba z'igihe gito kugira ngo agarure ituze aho hantu, nko gufungira umufungwa mu cyumba cye, kugera igihe Komanda cyangwa umukozi mukuru ushinzwe ibikorwa uri ku izamu bashoboye guhamagarwa kugira ngo basuzume uko ibintu bimeze, ariko ibyo bigakorwa mu gihe kitarenze isaha imwe iyo bibaye ari ku manywa cyangwa amasaha umunani iyo bibaye ari nijoro.
- (B) Komanda cyangwa umukozi mukuru ushinzwe ibikorwa uri ku izamu ashobora gukomeza cyangwa kuvanaho izo ngamba z'igihe gato, mu gihe hategerejwe ko hakorwa ibikenewe byose ku birebana n'ikosa bivugwa ko ryakozwe hashingiwe ku Ngingo ya 5 y'aya Mabwiriza, ibyo ariko bigakorwa ku buryo izo ngamba z'igihe gito zitarenza amasaha 12.

IBIHANO BYO MU RWEGO RWA DISIPURINE

Ingingo ya 7

- (A) Igihe cyose umufungwa ahanishijwe igihano cyo mu rwego rwa disipurine, Komanda agomba gukora ku buryo buri gihe hakorwa inyandikomvugo irebana n'icyo gihano cyatanzwe.
- (B) Kugira ngo umutekano wa Gereza ukomeze kubumbatirwa no mu rwego rwo guca intege undi muntu wese washaka gukora ikosa, Komanda ashobora gutanga kimwe cyangwa byinshi icyarimwe mu bihano bikurikira:
 - (i) Kwihanangiriza mu nyandiko;
 - (ii) Kumenyeshya umufungwa ibihano bisubitswe yagombaga guhanishwa, byahita bisubukurwa aramutse yongeye kurenga ku mategeko n'amabwiriza mu gihe kitarenga amezi atatu abarwa kuva ku itariki uwo mufungwa aboneyeho iryo menyesha;

- (iii) Kuvanaho cyangwa kugabanya ibyo umufungwa yari agenewe cyangwa uruhushya rwo gukoresha ibikoresho afite (Harimo tereviziyo, ibikoresho bya muzika na radiyo), icyo gihano kikamara igihe kitarenze icyumweru; cyangwa
 - (iv) Ihazabu yishyurwa ikuwe mu mafaranga bwite y'umufungwa.
- (C) Igihano cy'ihazabu gitangwa gusa igihe ikosa ryo mu rwego rwa disipurine ryakozwe ari ukuba umufungwa yasanganywe amafaranga, igihe yamaze guhanishwa cyangwa iyo yongeye gukora ikosa ryo mu rwego rwa disipurine kandi yamaze guhanwa rimwe cyangwa kenshi hashingiwe ku biteganywa mu Ngingo ya 7(B) (i) kugera kuri (iii). Komanda agena ingano y'ihazabu ashingiye ku bivugwa mu Ngingo ya 3(B).
- (D) Iyo ikosa ryo mu rwego rwa disipurine ryakozwe ari ukuba umufungwa yasanganywe ibintu bitemewe n'Amategeko agenga ifungwa, Komanda amwambura ibyo bintu bitemewe. Ibintu umufungwa yambuwe bicungwa hakurikijwe ibiteganywa n'Ingingo ya 22 y'Amategeko agenga ifungwa.
- (E) Umufungwa amenyeshwa kandi agasobanurirwa igihano icyo ari cyo cyose ahanishijwe, akibutswe Amategeko agenga ifungwa n'amabwiriza yerekeranye n'ifungwa, n'impamvu zitumye ahanishwa ibyo bihano. Ibyo bigomba gukorwa vuba bishoboka ariko mu gihe kitarenze amasaha 12 nyuma y'aho aherewe icyo gihano cyo mu rwego rwa disipurine. Umufungwa ahabwa kopi y'inyandikomvugo yerekeranye n'itangwa ry'icyo gihano kandi agasobanurirwa impamvu yagihanishijwe.
- (F) Komanda amenyeshya umufungwa ko afite uburenganzira bwo kujuririra Perezida wa IRMCT hashingiwe ku Ngingo ya 8.

UBURENGANZIRA BWO KUJURIRIRA PEREZIDA

Ingingo ya 8

- (A) Umufungwa ashobora kujuririra Perezida wa IRMCT ku ikosa ryo mu rwego rwa disipurine byemejwe ko yakoze n'ibihano yagenewe, ibyo ari byo byose, mu gihe kitarenze

amasaha 48 nyuma y’aho aboneye kopi y’inyandikomvugo yerekeranye n’icyo gihano n’impamvu zatumye agihanishwa. Avoka wunganira umufungwa ashobora kumufasha gutegura ubwo bujurire. Umufungwa ashobora gutanga ubujurire bwe mu nyandiko, akabwohereza mu Biro bya Gerefiye abunyujije kuri Komanda maze Ibiro bya Gerefiye bikabwoherereza Perezida. Umufungwa ashobora no koherereza Perezida ubujurire bwe mu buryo butaziguye akoresheje imeyiri cyangwa ubundi buryo, burimo kubonyuza kuri Avoka we cyangwa ku bantu bo mu muryango we [w’umufungwa].

- (B) Komanda ahita yoherereza Gerefiye ubujurire bw’umufungwa vuba na bwangu, Gerefiye na we akabwoherereza Perezida mu gihe kitarenze amasaha 24 nyuma y’aho abwakiririye.
- (C) Igihano cyo mu rwego rwa disipurine umufungwa yahawe kigumaho mu gihe hategerejwe igisubizo ku bujurire bwe.
- (D) Uretse igihe inyungu z’ubutabera zisaba ko bikorwa ukundi, Perezida wa IRMCT afata icyemezo cyanditse kuri ubwo bujurire mu gihe kitarenze iminsi itatu uhereye igihe yakiririye ubujurire. Perezida ashobora gutegeka gusubiza umufungwa ibintu yambuwe, kvanaho igihano cyo kwihanangiriza, kvanaho inyandiko imenyeshya isubikagihano, gusubizaho ibyo umufungwa yemerewe byari byahagaritswe cyangwa ikoreshwa ry’ibintu atunze, gusubizwa ihazabu yose yaciwe cyangwa agategeka ikindi kintu icyo ari cyo cyose abona ko gikwiye gukorwa.

IBINTU BISHOBORA GUFATWA NK’IBYAHA

Ingingo ya 9

Iyo ikivugwa ko ari ikosa ryo mu rwego rwa disipurine gishobora kuba icyaha giteganywa n’amategeko y’igihugu gicumbikiye IRMCT, icyaha cyo gusuzugura IRMCT cyangwa gutanga ubuhamya bw’ikinyoma nk’uko biteganywa mu Ngingo ya 90 cyangwa iya 108 z’Amategeko Agenga Imiburanishirize n’Itangwa ry’Ibimenyetso, Komanda ahita abikorera raporo akayishyikiriza Gerefiye.

URWEGO RW'UBUGENZUZI RWIGENGA

Ingingo ya 10

Mu bintu byose aya Mabwiriza ateganya, nta na kimwe kigomba kubangamira uburenganzira buri mufungwa afite bwo kugeza, igihe icyo ari cyo cyose, ku Rwego rw'ubugenzuzi rwigenga, rufite inshingano yo kugenzura uburyo abafungwa bafashwe, ikibazo afite cyerekeranye n'uburyo afunzemo, harimo n'ibihano byo mu rwego rwa disipuline yafatiwe.