

UMURYANGO W'ABIBUMBYE



Urwego Rwashyiriweho Inkiko Mpanabyaha
Mpuzamahanga

MICT/12

29 Ugushyingo 2013

Umwimerere: Icyongereza

Amategeko y'Ibiro bya Porokireri N° 1 (2013)

Amategeko yerekeye imyitwarire mu kazi y'abashinjacyaha

bo mu Biro bya Porokireri

(MICT/12)

P(RM)13-0001K

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

Porokireri w'Urwego Rwashyiriweho Inkiko Mpanabyaha Mpuzamahanga

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Hassan Bubacar Jallow, Porokireri w'Urwego Rwashyiriweho Inkiko Mpanabyaha Mpuzamahanga (MICT);

Ashizeho aya Mategeko yerekeye imyifatire mu kazi abashinjacyaha bo mu Biro bya Porokireri wa MICT bagomba gukurikiza.

1. Porokireri abikoze ashingiye ku bintu bikurikira:

- Mu Itegeko Shingiro ry'Umuryango w'Abibumbye, mu byo abatuye isi bemeza harimo guhagurukira gukora ibikenewe byose kugira ngo ubutabera bubungabungwe, no gutangaza ko imwe mu ntego zabo ari ubufatanye mpuzamahanga mu kubahiriza uburenganzira bwa muntu n'ubwisanzure bw'ibanze nta vangura rishingiye ku bwoko, igitsina, ururimi cyangwa idini;
- Itangazo mpuzamahanga ryerekeye uburenganzira bwa muntu rikubiyemo amahame yemeza ko abantu bose bareshya imbere y'amategeko, ko umuntu wese afatwa nk'umwera igihe cyose nta cyaha kiramuhama kandi ko afite uburenganzira bwo gucirwa urubanza ku buryo buboneye n'ubwo kuburanishwa mu ruhame n'urukiko rwigenga kandi rutabogamye;
- Kuba Inama Ishinzwe Amahoro ku Isi yarashyizeho MICT, Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho icyahozeho ari Yugosilaviya n'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda hashingiye ku Mutwe wa VII w'Itegeko Shingiro ry'Umuryango w'Abibumbye, byerekana kandi bigashimangira ko inkiko mpanabyaha mpuzamahanga zitanga umusanzu ukomeye mu kubungabunga amahoro n'umutekano mu cyahozeho ari Yugosilaviya, mu nzira y'ubwiyunge

bw'Abanyarwanda no mu kugarura no kubungabunga amahoro mu Rwanda;

- Abashinjacyaha, nk'abantu bahagarariye amahanga muri MICT, bafite uruhare rukomeye mu gutuma ubutabera bugerwaho no mu kugaragaza uburyozwacyaha bw'abantu nka ba gatozi mu byaha bivugwa. Bityo rero, amategeko yerekeranye n'uburyo barangiza izo nshingano zabo zikomeye bafite agomba kwimakaza amahame y'ubutabera buboneye no gukorana akazi ubuhanga n'ubwitange;
- Mu mwaka wa 1999, mu Mategeko y'Iburo bya Porokireri N° 2 (1999), Porokireri w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho icyahoze ari Yugosilaviya n'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda yatangaje *Amategeko yerekeye imyitwarire mu kazi y'abashinjacyaha* bo mu Biro bya Porokireri muri izo nkiko zombi.
- Hasanzwe hariho *Amategeko agenga imyitwarire mu kazi y'abavoka wunganira abaregwa muri MICT*, bikaba rero ari byiza ko hashyirwaho amategeko agenga imyitwarire mu kazi k'abashinjacyaha na yo asobanutse ndetse akumvikana;
- Imirimo n'inshingano bya Porokireri binyuranye n'ibya avoka wunganira uregwa kandi biragutse kurushaho. Iburo bya Porokireri ni rumwe mu nzego eshatu zigize izo Nkiko Mpuzamahanga, kandi ababigize bashobora gufatwa nk'abakozi bafasha Urukiko ku buryo buhoraho. Muri Sitati z'izo Nkiko no mu Mategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso yazo, hamwe no mu Mashami agize Umuryango w'Abibumbye, harimo Ingingo zituma Porokireri n'abashinjacyaha bo mu Biro bya bubahiriza mu buryo bw'intangarugero amategeko yerekeranye n'imyifatire myiza mu kazi kabo.
- *Amabwiriza ngenderwaho yerekeranye n'uruhare rwa ba Porokireri*, yemejwe n'inama ya munani y'Umuryango w'Abibumbye ku birebana no kuburizamo ibyaha n'uko abakoze ibyaha bafatwa iyo bari mu maboko y'ubutabera, kandi yakiriwe neza n'Inteko Rusange mu Cyemezo cyayo

45/166 cyo ku itariki ya 18 Ukuboza 1990, hamwe n'Amategeko agena uruhare rw'abashinjacyaha, imirimo yabo n'uburenganzira bwabo yashyizweho n'Ishyirahamwe Mpuzamahanga ry'Abaporokireri («IAP») ku itariki ya 23 Mata 1999 akemezwa n'Icyemezo 17/2 cya komisiyo y'Umuryango w'Abibumbye ikurikirana ibyaha mu mwaka wa 2008, yose akubiyemo amahame ashobora kwifashishwa mu gushyiraho amategeko yerekeye imyitwarire myiza y'abashinjacyaha mu nkiko mpuzamahanga, no mu nkiko zo mu bihugu.

2. Mu mirimo y'iperereza, iy'imbanzirizarubanza, iy'iburanisha, iyo mu bujirire, n'iyo mu isubirishamo ry'urubanza, umushinjacyaha agomba gukurikiza amategeko agenga imyitwarire ye mu kazi mu buryo bw'intangarugero. Hazirikanwa buri gihe ibyanditse n'ibigamijwe muri Sitati no mu Mategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso, ndetse n'ubwigenge bw'Ibiro bya Porokireri, Porokireri abasaba:
 - a. Gukorera inyungu rusange no kuzirengera, harimo n'inyungu z'umuryango mugari w'abantu, iz'abahohotewe n'iz'abatangabuhamya, no kubahiriza uburenganzira bw'ibanze bw'abakekwaho icyaha n'ubw'abaregwa;
 - b. Kubungabunga icyubahiro n'agaciro by'umurimo wabo no kwitwara mu buryo buwuhesha ishema;
 - c. Kudahuzagurika, kutarangwa n'amarangamutima no kwigenga kandi na rubanda ikaba ari uko ibibona, ndetse no kwirinda inyungu zitabangikanywa, izo ari zo zose, zishobora gutuma ubwigenge bwa Porokireri bukemangwa. By'umwihariko, abashinjacyaha bagomba kwirinda ibyatuma bagendera ku mpamvu zishingiye ku bwenegihugu, ubwoko, idini cyangwa politiki;
 - d. Kuba inyangamugayo no kwita ku kazi mu buryo bw'intangarugero, harimo kumva ko bagomba kwihutisha imirimo yabo iyo babisabwe, no gukora nta buriganya;
 - e. Kurangwa n'umuco wo kubaha Urukiko n'uwo kutarurimanganya, no

kutarubwira ibintu bazi ko atari ukuri, cyangwa kutarugezaho ibimenyetso bazi ko ari ibinyoma. Iyo umushinjacyaha amenye ko ibyo yabwiye Urukiko atari ukuri, cyangwa ko ibimenyetso yarushyikirije ari ibinyoma, agomba gufata ingamba za ngombwa kugira ngo abimenyeshe Urukiko vuba na bwangu.

- f. Kubaha, kurengera, no gushyigikira amahame mpuzamahanga yerekeye agaciro ka muntu n'uburenganzira bwa muntu, kandi by'umwihariko kwirinda ivangura rishingiye ku mpamvu za politiki, imibereho y'abaturage, idini, ubwoko, umuco, igitsina, cyangwa irindi vangura iryo ari ryo ryose;
- g. Gufata ingamba zose zishoboka, mu gihe ari ngombwa, zo kubungabunga umutekano w'abakorewe ibyaha, abatangabuhamya, n'imiryango yabo no kurinda imibereho yabo bwite, kwakirana abakorewe ibyaha umutima w'impuhwe, no gufata ingamba zishyize mu gaciro zituma abatangabuhamya badahura n'ingorane;
- h. Gufasha Urukiko kugera ku kuri no kurufasha guca imanza zibereye umuryango mugari w'abantu, abakorewe ibyaha, n'abaregwa;
- i. Kugira ibanga ry'akazi, hakubiyemo no kudatangaza amakuru ashobora kubangamira iperereza cyangwa ikurikiranacyaha birimo gukorwa, cyangwa amakuru ashobora kubangamira umutekano w'abakorewe ibyaha n'uw'abatangabuhamya ;
- j. Kwirinda imishyikirano n'Umucamanza w'Urukiko cyangwa Urugereko rw'Urukiko ku birebana n'urubanza runaka mu mizi yarwo, uretse gusa aho bene ibyo byemewe gukorwa mu gihe cy'iburanisha ry'urwo rubanza;
- k. Kwirinda, mu gihe atari mu iburanisha, guha ibisobanuro cyangwa kuganira n'abanyamakuru ku birebana n'imizi y'urubanza runaka cyangwa ku birebana n'uko umuntu runaka uregwa ahamwa n'icyaha cyangwa ari umwere, mu gihe cyose Urugereko rw'Urukiko rutarafata icyemezo cya burundu kuri urwo rubanza;

- l. Gusobanura neza, by'umwihariko iyo afashe ijamba mu rwego rw'akazi, ko adahagarariye Urukiko rwose uko rwakabaye, ko ahubwo ahagarariye gusa Ibiro bya Porokireri;
 - m. Mu rwego rwo kugira ngo ikurikiranacyaha rikorwe mu buryo buboneye, budahuzagurika kandi bufatika, ashyize mu gaciro, agomba kwihatira kwiyambaza abandi bakozi bo mu Biro bya Porokireri no guhuza imirimo ye n'iyabo, no gufatanya n'abandi bakozi bo mu yandi mashami y'Urukiko;
 - n. Kumenya, kumva no gukurikiza ingamba, amabwiriza ngenderwaho n'imikorere byo mu Biro bya Porokireri;
 - o. Kubahiriza aya Mategeko agenga imyitwarire mu kazi, kandi bagakora ibishoboka byose ngo bakumire cyangwa barwanye bivuye inyuma igikorwa cyose cyanyuranya na yo, kandi haramuka hariho impamvu zituma babona ko hari igikorwa cyanyuranije na yo cyangwa kiri hafi kubaho, bakabimenyesha Porokireri.
3. Haramutse habayeho ukunyuranya hagati y'ibimaze kuvugwa kuva ku gika (a) kugeza ku cya (o) by'aya Mategeko agenga imyitwarire mu kazi, n'andi Mategeko agenga imyifatire mu kazi ayo ari yo yose umushinjacyaha agomba kubahiriza, Amategeko akubiye muri iyi nyandiko ni yo agomba gukurikizwa ku byerekeranye n'imyifatire y'abashinjacyaha muri uru Rukiko;
 4. Uretse ibihano umushinjacyaha ashobora guhabwa ku buryo budasanzwe hashingiwe ku Ngingo ya 1.4(a) ya Sitati n'Ingingo ya 90 y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso, iyo umushinjacyaha atubahirije aya Mategeko abikurikiranwaho na Porokireri mu bwisanzure ariko hubarijwe Amategeko agenga abakozi b'Umuryango w'Abibumbye.
 5. Aya Mategeko agenga imyitwarire y'abashinjacyaha mu kazi azakomeza kuvugururwa kandi ashobora guhindurwa igihe icyo ari cyo cyose, hakurikijwe ibivugwa mu Mategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso ku birebana n'Amategeko ngengamikorere.

[Umukono]

Hassan Bubacar Jallow,

Porokireri wa MICT

Bikozwe none ku wa 29 Ugushyingo 2013

Arusha, Tanzaniya