

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

**AMABWIRIZA YEREKEYE UBURYO ABAFUNGWA BAMENYEKANISHA IBIBAZO  
BAFITE**

**(MICT/25)**

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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 91-97 z'Amategeko agenga ifungwa, aya Mabwiriza agenga imikorere igamije kurengera uburenganzira bw'umufungwa bwo kuvuga ibibazo bimubangamiye.
- (B) Uretse igihe aya Mabwiriza abiteganywa 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. Ibihe byose biteganywa n'aya mabwiriza bibarwa kuva ku itariki umufungwa aboneyeho ubutumwa bumugenewe, mu rurimi yumva.

### **Ingingo ya 2**

- (A) Hashingiwe ku Ngingo ya 96 y'Amategeko agenga ifungwa, Komanda ashinzwe gushyiraho ingamba zituma umufungwa abasha kuvuga ikibazo afite, mu bwisanzure no mu mutekano, nta cyo asize inyuma kubera gutinya kukivuga kandi, umufungwa yabisaba, bigakorwa mu ibanga.
- (B) Iyo umufungwa atanze ikibazo yinubira ko yakorewe ibikorwa by'urugaraguro cyangwa ibindi bikorwa bya kinyamaswa, birenze kameremuntu cyangwa bitesha umuntu agaciro, cyangwa ko yahanishijwe ibihano nk'ibyo, icyo kibazo kimenyeshwa Gerefiye, yamara kukijyaho inama na Perezida agafata ingamba zikwiye zo kugikemura.

### **Ingingo ya 3**

Nk'uko biteganywa n'Ingingo ya 97 y'Amategeko agenga ifungwa, uburenganzira umufungwa afite bwo kuvuga ibibazo bimubangamiye abusangiye n'avoka we, bombi baba badashoboye kubukoresha bugahabwa umwe mu bagize umuryango we [W'umufungwa] cyangwa undi muntu uzi icyo kibazo,. Umufungwa ashobora kunganirwa n'avoka we mu kuvuga ikibazo icyo ari cyo cyose kimubangamiye, ku rwego urwo ari rwo rwose kiriho.

## **KUGEZA IKIBAZO KURI KOMANDA**

### **Ingingo ya 4**

- (A) Umufungwa ashobora, igihe icyo ari cyo cyose, kugeza kuri Komanda wa Gereza cyangwa Umuntu washyizweho n'Iburo bya Gerefiye, ikibazo cyerekeranye n'uburyo afunzemo, harimo n'ibibazo byerekeranye no kuregwa kurenga ku Mategeko agenga ifungwa cyangwa Ingingo iyo ari yo yose y'aya Mabwiriza yemejwe hepfo.

- (B) Buri muni, abakozi ba Gereza bagomba kwandika, mu gitabo cyabigenewe, ibibazo byose byagejwe kuri Komanda, bakanandika icyakozwe kuri ibyo bibazo.

### **Ingingo ya 5**

Komanda, ashingiye ku biteganywa n'aya Mabwiriza, afata icyemezo mu minsi itarenze irindwi, ibarwa kuva ku muni ikibazo cyakiriweho.

### **Ingingo ya 6**

- (A) Iyo Komanda afashe icyemezo kivuga ko ikibazo yagejweho gifite ishingiro kandi akaba afite ububasha bwo kugikemura, abimenyesha umufungwa kandi agahita agikemura vuba bishoboka.
- (B) Iyo Komanda afashe icyemezo kivuga ko ikibazo yagejweho gifite ishingiro ariko akaba adafite ububasha bwo kugikemura, agishyikiriza Gerefiye kandi akabimenyesha umufungwa. Ibibazo nk'ibyo bikemurwa na Gerefiye, ashingiye ku biteganywa n'aya Mabwiriza.
- (C) Iyo Komanda afashe icyemezo kivuga ko ikibazo yagejweho kidafite ishingiro, abimenyesha umufungwa akanamumenyesha impamvu yafashe icyo cyemezo. Komanda amenyesha kandi umufungwa ko afite uburenganzira bwo kujuririra icyo cyemezo kwa Gerefiye, hashingiwe kuri aya Mabwiriza.

## **KUGEZA IBIBAZO KURI GEREFIYE**

### **Ingingo ya 7**

- (A) Iyo umufungwa atishimiye icyemezo cya Komanda ku kibazo yamugejeho, ashobora kujuririra Gerefiye mu minsi itarenze 14, ibarwa kuva ku itariki yamenyesherejweho icyo cyemezo.
- (B) Iyo igihe cy'iminsi irindwi giteganywa n'Ingingo ya 5 y'aya Mabwiriza gishize Komanda atarafata icyemezo ku kibazo umufungwa yamugejeho, uwo mufungwa ashobora gushyikiriza Gerefiye ikibazo cye mu minsi itarenze 14.

- (C) Mu bihe bimwe na bimwe, umufungwa ashobora kugeza ikibazo cye kuri Gerefiye atabanje kukigeza kuri Komanda iyo: icyo kibazo cyerekeranye n'ibihano byo mu rwego rwa disipurine yafatiwe na Komanda, Komanda afite inyungu zitabangikanywa no gukemura icyo kibazo cyangwa icyo kibazo kikaba kigomba gukemurwa mu gihe ntarengwa runaka. Iyo Gerefiye asanze atagomba kugezwaho icyo kibazo kitabanje kunyuzwa ku rundi rwego, yanga kucyakira kandi akabimenyesha umufungwa mu masaha atarenze 24. Icyo gihe, umufungwa ashobora gushyikiriza icyo kibazo Komanda mu minsi itarenze 14, ibarwa kuva ku munsu Gerefiye yafatiyeho icyo cyemezo.
- (D) Umufungwa ashobora koherereza ikibazo cye Gerefiye akinyujije mu buyobozi bushinzwe imiyoborere ya Gereza. Ashobora no kugeza ikibazo cye kuri Gerefiye ku buryo butaziguye akoresheje imeyiri cyangwa ubundi buryo, burimo kuba yakwifashisha avoka we cyangwa abantu bo mu muryango we [W'umufungwa]. Abakozi ba Gereza ntibashobora kugira ibyo bakura mu byo umufungwa yanditse kandi bihutira koherereza icyo kibazo Gerefiye bidatinze.

### **Ingingo ya 8**

- (A) Uretse ibibazo Gerefiye yanze kwakira hashingiwe ku Ngingo ya 7(C), ibindi bibazo byose agejejweho abitangira gihamya ko byakiriwe, mu gihe kitarenze amasaha 72, abarwa kuva ku isaha byakiriweho. Gerefiye yoherereza kopi ya buri kibazo Perezida.
- (B) Ikibazo kigejejwe kuri Gerefiye gikorwaho iperereza bidatinze kandi ku buryo bunozwe, hakusanywa ibitekerezo by'abantu n'inzeho zifite aho zihuriye na cyo, harimo na Komanda. Muri icyo gihe, umufungwa yemerewe kwandikirana no kuvugana na Gerefiye kuri icyo kibazo, mu bwisanzure kandi nta muntu ugize ibyo avana mu byo yifuza kumugezaho. Iyo ari ngombwa, Gerefiye amenyesha Perezida izo nyandiko zose bidatinze.
- (C) Gerefiye afata icyemezo cyanditse kandi kigaragaza impamvu yashingiyeho, vuba bishoboka cyangwa nibura bitarenze iminsi 14 ibarwa kuva igihe yagerejweho ikibazo. Amenyesha kandi Perezida icyo cyemezo yafashe.

## **Ingingo ya 9**

- (A) Iyo Gerefiye asanze ikibazo yagejejweho gifite ishingiro, agikemura vuba bishoboka kandi akamenyesha umufungwa uburyo agiye kugikemuramo n'igihe ntarengwa kigomba kuba cyakemutse.
- (B) Iyo Gerefiye asanze ikibazo yagejejweho kidafite ishingiro, abimenyesha umufungwa mu nyandiko, akanamusobanurira impamvu zatumye yanga kucyakira.
- (C) Gerefiye amenyesha umufungwa ko, hashingiwe kuri aya Mabwiriza, afite uburenganzira bwo kujuririra Perezida, yinubira icyo cyemezo yafashe.

## **KUGEZA IKIBAZO KURI PEREZIDA**

### **Ingingo ya 10**

- (A) Iyo umufungwa atishimiye icyemezo Gerefiye yafashe ku kibazo yamugejejeho cyangwa uburyo yagikemuye, ashobora kukijuririra Perezida mu minsi itarenze 14, ibarwa kuva ku muni yamenyeshejweho icyo cyemezo cyangwa uburyo cyakemuwemo.
- (B) Nk'uko bitenganywa n'Ingingo ya 8(C), iyo hashize iminsi 14 Gerefiye atarafata icyemezo ku kibazo umufungwa yamugejejeho, uwo mufungwa ashobora kugeza icyo kibazo cye kuri Perezida, mu minsi itarenze 14.
- (C) Umufungwa ashobora kugeza ikibazo cye kuri Perezida akinyujije kuri Gerefiye. Ashobora no kukimushyikiriza ku buryo butaziguye akoresheje imeyiri cyangwa ubundi buryo, burimo kwifashisha avoka we cyangwa abantu bo mu muryango we [W'umufungwa]. Abakozi ba Gereza cyangwa abandi bantu bashyikiriza icyo kibazo Perezida, ntacyo bahinduyemo kandi bidatinze.
- (D) Amakuru yose Gerefiye abonye, mu gihe cyo gukora iperereza kuri icyo kibazo, ayashyikiriza Perezida.

### **Ingingo ya 11**

- (A) Igihe cyose Perezida yakiriye ikibazo, atanga gihamya ko acyakiriye, mu gihe kitarenze amasaha 72 abarwa kuva igihe acyakiririye.
- (B) Mbere yo gufata icyemezo ku kibazo cyari cyagejwe kuri Gerefiye, Perezida ashobora gukora iperereza iryo ari ryo ryose abona ko rikenewe mu gufata icyo cyemezo kandi ashobora gusaba ibitekerezo by'abantu cyangwa inzego bifite aho bihuriye n'icyo kibazo. Muri icyo gihe, umufungwa yemerewe kwandikirana no kuvugana na Perezida kuri icyo kibazo, mu bwisanzure kandi nta muntu ugize icyo avana mu byo yifuza kumugezaho.
- (C) Perezida afata icyemezo cyanditse, ku kibazo yagejweho, agasobanura n'impamvu ashingiyeho agifata. Agifata vuba hashoboka, cyangwa nibura mu gihe kitarenze iminsi 14, ibarwa kuva ku munsu yakiriyeho icyo kibazo, uretse gusa igihe inyungu z'ubutabera zisaba ko bikorwa ukundi.

### **Ingingo ya 12**

- (A) Iyo Perezida asanze ikibazo umufungwa yamugejejeho gifite ishingiro, akora ibigomba gukorwa kugira ngo gikemuke vuba bishoboka, akanamenyesha uwo mufungwa ikigiye gukorwa n'igihe ntarengwa kigomba kuba cyarangiyeye.
- (B) Iyo Perezida asanze ikibazo umufungwa yamugejejeho kidafite ishingiro, abimumenyesha mu nyandiko, akanagaragaza impamvu zitumye atera utwatsi ibikivugwamo. Perezida amenyesha kandi umufungwa ko, hashingiwe ku Ngingo ya 14 y'Amabwiriza, afite uburenganzira bwo kugeza icyo kibazo cye ku Rwego rw'ubugenzuzi rwigenga.

## **IBIBAZO BITANGWA BYURIRIRA KU BYABIBANJIRIJE**

### **Ingingo ya 13**

- (A) Gutera utwatsi ikibazo cy'umufungwa, bikoze na Komanda, Gerefiye cyangwa Perezida, ntibibuza uwo mufungwa kuba yakongera kukibyutsa.
- (B) Iyo ibivugwa muri icyo kibazo byerekeye ibivugwa muri icyo cyatewe utwatsi mbere, Komanda, Gerefiye cyangwa Perezida bashobora kucyanga batiriwe bakora irindi perereza, iyo basanze kitavugwamo ibintu bishya bitasuzumwe mbere.

## **URWEGO RW'UBUGENZUZI RWIGENGA**

### **Ingingo ya 14**

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 afashwe. Umufungwa afite uburenganzira bwo kuvugana n'umugenzuzi wabiherewe ububasha. Igihe cyose Urwego rw'ubugenzuzi rwigenga rurimo gukora igenzura muri Gereza, abafungwa bahabwa urubuga rwo kuganira n'abagenzuzi mu bwisanzure, ahantu abakozi ba Gereza batareba kandi batumva ibyo barimo kuvuga.