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

AMABWIRIZA YEREKEYE IGENZURA RY'UKO ABAFUNGWA BASURWA N'UKO BOHEREZA CYANGWA BAKIRA UBUTUMWA

(MICT/23)

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Amabwiriza yatanzwe na Gerefiye

5 Ukuboza 2018

IRIBURIRO

Ashingiye ku Mategeko agenga ifungwa ry'abantu bategereje kuburanishwa na IRMICT mu rw'iremezo cyangwa mu bujurire cyangwa bafunze ku itegeko rya IRMICT ("Amategeko agenga ifungwa"), Gerefiye w'Urwego Mpuzamahanga Rwashyiriweho Gukora Imirimo y'Insigarira y'Inkiko Mpanabyaha ("IRMCT") ashyizeho Amabwiriza yerekeye igenzura ry'uko abafungwa basurwa n'uko bohereza cyangwa bakira ubutumwa ("Amabwiriza").

INGINGO RUSANGE

Ingingo ya 1

(A) Hashingiwe ku Ngingo 70-79 z'Amategeko agenga ifungwa, aya Mabwiriza agena uburyo abafungwa basurwa n'uburyo bakira cyangwa bohereza ubutumwa kugira ngo imirimo y'ubutabera igende neza kandi abafungwa, abakozi ba Gereza ya IRMCT n'abasura abafungwa bagire umutekano muri Gereza ya IRMCT.

(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'abafungiwe i Lahe, mu Buholandi ("Gereza"). Akurikizwa kandi haseguriwe ibiteganywa n'Amategeko agenga ifungwa, harimo n'ibisobanuro by'amagambo akoreshwa biteganywa n'Ingingo ya 2 y'ayo Mategeko kandi, aho ari ngombwa, haseguriwe 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) Aba akoze "ikosa" riteganywa n'aya Mabwiriza, umufungwa ukora cyangwa ugerageza gukora ibikorwa bikurikira:

(i) gutegura itoroka ry'umufungwa;

(ii) kubangamira imirimo y'ubutabera, nko kunyuranya n'itegeko rya IRMCT cyangwa kwivanga mu buhamya bw'umutangabuhamya cyangwa kumushyiraho ibikangisho; cyangwa

(iii) kubangamira mu bundi buryo cyangwa guhungabanya umutekano n'umudendezo muri Gereza ya IRMCT cyangwa by'umuntu wese, nko kwinjiza muri Gereza ya IRMCT ibintu bitemewe, nka terefone ngendanwa n'ibindi bikoresho by'itumanaho cyangwa kunyuranya n'aya Mabwiriza, Amategeko agenga ifungwa cyangwa andi mabwiriza, amategeko cyangwa amabwiriza ngenderwaho yerekeranye n'ifungwa yashyizweho na IRMCT.

Ingingo ya 3

(A) Iyo Komanda afite impamvu zishyize mu gaciro zituma yumva ko umufungwa, cyangwa umuntu uwo mufungwa yifuza ko amusura cyangwa ko bohererezanya ubutumwa, ashobora kuba yakoze cyangwa arimo gukora ikosa, hakurikijwe uko ibintu biteye kandi mu gihe hategerejwe irindi perereza, Komanda ashobora:

(i) guhita ahagarika ubutumwa bwose buva cyangwa bujya ku mufungwa cyangwa igikorwa cyo kumusura;

(ii) gufatira by'agateganyo igikoresho cyakoreshejwe mu gukora ikosa;

(iii) gusubiza igikoresho cyakoreshejwe mu gukora ikosa uwacyohereje cyangwa kubika icyo gikoresho hashingiwe ku Ngingo ya 22 y'Amategeko agenga ifungwa;

(iv) gutegeka umuntu uje gusura umufungwa kuva muri Gereza ya IRMCT;

(v) kubuza by'agateganyo umufungwa gukoresha ibikoresho by'itumanaho bya Gereza ya IRMCT; na/cyangwa

(vi) gufata izindi ngamba zose hashingiwe kuri aya Mabwiriza.

(B) Iyo bimeze bityo, Komanda:

(i) amenyesha umufungwa, n'umuntu uwo mufungwa yifuza ko amusura cyangwa ko bohererezanya ubutumwa, iyo ari ngombwa, mu gihe kitarenze iminsi itatu (3) y'akazi, icyemezo cyafashwe n'impamvu zashingiweho mu kugifata, keretse iyo Komanda asanga kubimenyesha umufungwa cyangwa umuntu uwo mufungwa yifuza ko amusura cyangwa ko bohererezanya ubutumwa bishobora kubangamira iperereza kuri icyo kibazo;

(ii) aha umufungwa n'umuntu uwo mufungwa yifuza ko bohererezanya ubutumwa cyangwa ko amusura, iyo ari ngombwa, umwanya wo gutanga ibitekerezo ku ikosa rishobora kuba ryakozwe n'ingamba zafashwe muri urwo rwego;

(iii) ageza kuri Gerefiye icyo kibazo n'ingamba z'agateganyo zagifatiwe; kandi

(iv) abika ibimenyetso byose by'iryo kosa kandi akabishyikiriza Gerefiye.

(C) Iyi ngingo ntigendera ku Mabwiriza agenga itangwa ry'ibihano byo mu rwego rwa disipurine bifatirwa abafungwa (MICT/24) nk'uko yavuguruwe nyuma) keretse gusa ku birebana n'ibivugwa mu Ngingo ya 4(A)(ii).

Ingingo ya 4

(A) Iyo Gerefiye cyangwa Komanda, abigiyeho inama na Gerefiye, asanze umufungwa cyangwa umuntu uwo mufungwa yifuza ko amusura cyangwa ko bohererezanya ubutumwa yakoze ikosa, ashobora:

(i) kugena ibintu uwakoze ikosa atagomba kurengaho cyangwa ibyo agomba kubahiriza kugira ngo abe yakongera gukoresha ibikoresho by'itumanaho bya Gereza ya IRMCT;

(ii) gutanga ibihano hashingiwe ku Mabwiriza yerekeye ibihano bihabwa abafungwa mu rwego rwa disipurine (MICT/24) nk'uko yavuguruwe nyuma); no

(iii) gufata izindi ngamba zose zemewe hakurikijwe aya Mabwiriza.

(B) Icyo gihe, Gerefiye cyangwa Komanda:

(i) abika ibimenyetso by'ikosa ryakozwe cyangwa, iyo bibaye ngombwa, agashyira mu nyandiko ibyo bimenyetso maze bigashyirwa aho bigomba kujya hashingiwe ku biteganywa n'Ingingo ya 22 y'Amategeko agenga ifungwa;

(ii) amenyesha umufungwa, Avoka n'undi wakoze ikosa wese umwanzuro wafashwe n'impamvu zashingiweho mu kuwufata; kandi

(iii) ashobora kumenyesha Porokireri iryo kosa, byaba ngombwa akanarimenyesha inzego z'ubuyobozi bw'Igihugu.

(C) Iyo iryo kosa rishobora kuba rigize icyaha cyo gusuzugura IRMCT cyangwa cyo gutanga ubuhamya bw'ikinyoma nk'uko biteganywa, uko bikurikirana, n'Ingingo ya 90 cyangwa iya 108 z'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso, Gerefiye ashobora kubimenyesha Perezida cyangwa Urugereko bireba.

(D) Iyo Gerefiye cyangwa Komanda asanze nta kosa ryakozwe, agomba, iyo bishoboka, kuvanaho ibyemezo by'agateganyo byose byafashwe hashingiwe ku Ingingo ya 3(A).

AMABARUWA

Ingingo ya 5

(A) Haseguriwe ibiteganywa n'aya Mabwiriza, umufungwa afite uburenganzira bwo kohereza no kwakira amabaruwa acishwa mu iposita, kimwe n'ubutumwa bufunze mu kintu.

(B) Komanda, abigiyeho inama na Gerefiye, ashobora gushyiraho umubare n'ibiro ntarengwa by'ubutumwa bufunze mu kintu cyangwa amabaruwa umufungwa yemerewe kwakira cyangwa kohereza.

(C) Abafungwa bagomba kwiyishyurira amafaranga yose akoreshwa ku mabaruwa bohereza, harimo n'ay'iposita. Umufungwa udafite amikoro yo kwiyishyurira amafaranga ajyanye no kohereza amabaruwa hanze ashobora gusaba Komanda uruhushya rwo kohereza ayo mabaruwa ku mafaranga ya IRMCT.

Ingingo ya 6

(A) Amabaruwa yose umufungwa yohererezwa n'ayo yohereza agomba kugenzurwa harebwa niba yaba arimo ibisasu biturika cyangwa ibindi bintu bibujijwe kandi akanyura mu igenzura ry'umutekano ku nyubako za IRMCT cyangwa kuri Gereza y'igihugu icumbikiye iya IRMCT, aho ari ngombwa, no kuri Gereza ya IRMCT, harimo no gukoresha amamashini akoresha imirasire ya "X" n'ibindi bikoreshwa mu gutahura ibihishe.

(B) Komanda agomba kugira igitabo cyandikwamo amakuru yerekeye amabaruwa umufungwa yohereje n'ayo yakiriye, hakanandikwamo uwo yayandikiye, n'uwamwandikiye (iyo azwi), itariki ibaruwa yoherejweho cyangwa yakiriweho n'andi makuru Komanda asanga ari ingirakamaro.

Ingingo ya 7

(A) Haseguriwe ibiteganywa n'Ingingo 7(B), (C), na (D), Komanda afungura kandi agasoma amabaruwa yose umufungwa yohereje n'ayo yohererejwe mu gihe kitarenze iminsi itatu (3) y'akazi kuva ayakiriye. Igihe bishoboka kandi haseguriwe ibiteganywa n'Ingingo ya 3 n'iya 4, ashyikiriza umufungwa amabaruwa yandikiwe kandi agashyira mu iposita, mu buryo butazaririye, amabaruwa umufungwa yanditse. Ikintu cyose cyoherejwe mu buryo bw'amabaruwa cyakirwa mu buryo buteganywa n'Ingingo kuva ku ya 85 kugera ku ya 90 z'Amategeko agenga ifungwa.

(B) Amabaruwa umufungwa yandikiye Avoka n'ayo Avoka yandikiye umufungwa agizwe n'inyandiko zerekeranye n'ubwunganizi bw'umufungwa afungurwa gusa iyo hari impamvu zidasanzwe, Gerefiye cyangwa Komanda bafite impamvu zishyize mu gaciro zituma bumva ko umufungwa cyangwa avoka we ashobora kuba yakoze cyangwa arimo gukora ikosa. Iyo bigenze bityo:

(i) Komanda yandika ifatirwa ry'ibaruwa bireba mu gitabo giteganywa n'Ingingo ya 6(B) cyandikwamo amakuru yerekeranye n'amabaruwa umufungwa yohereje n'ayo yohererejwe, akihutira kohereza Gerefiye iyo baruwa atayifunguye kandi akabimenyesha umufungwa mu gihe kitarenze iminsi ibiri (2) y'akazi;

(ii) Gerefiye asaba Avoka gufungurira iyo baruwa imbere ya Gerefiye;

(iii) Gerefiye ashobora gusaba Avoka gusobanura ibikubiye muri iyo baruwa muri rumwe mu ndimi zikoreshwa muri IRMCT; kandi

(iv) Gerefiye agena niba hari izindi ngamba zigomba gufatwa hakurikijwe ibiteganywa n'Ingingo ya 3 n'iya 4.

C) Amabaruwa umufungwa yandikiye Avoka we cyangwa ayo Avoka amwandikiye arimo ikindi kintu cyose kitari impapuro, nk'uko bishobora kugaragazwa n'igenzura rikorwa hakurikijwe ibiteganywa n'Ingingo ya 6(A), agomba gufungurwa na Komanda. Iyo bigenze bityo:

(i) Komanda yandika ifatirwa ry'iyo baruwa mu gitabo giteganywa n'Ingingo ya 6(B) cyandikwamo amakuru yerekeranye n'amabaruwa umufungwa yohereza n'ayo yohererezwa;

(ii) impapuro zose zigomba kugenzurwa hakurikijwe ibiteganywa n'Ingingo ya 18(B); kandi

(iii) iyo ibyo bintu bitari impapuro ari ibikoresho bibika amakuru mu buryo bwa eregitoronike byemewe na Gereza ya IRMCT, nka CD, kandi bikaba biherekejwe n'amafomu yabugenewe, yujujwe neza uko bikwiye, ibyo bikoresho bibika amakuru mu buryo bwa eregitoronike bigomba kwandikwa maze bigashyikirizwa umufungwa. Ku bindi bintu bitari ibyo bimaze kuvugwa, ku bintu bitari impapuro hakorwa ibiteganywa n'Ingingo kuva ku ya 85 kugera ku ya 90 z'Amategeko agenga ifungwa kandi Avoka akabimenyeshwa.

(D) Ingingo ya 7(B) ikurikizwa, hahindutse ibigomba guhinduka, ku mabaruwa abakozi ba IRMCT bandikiwe cyangwa banditse n'ayanditswe cyangwa yandikiwe abadiporomate cyangwa abandi bantu bahagarariye igihugu umufungwa akomokamo cyangwa gikurikirana inyungu ze.

(E) Amabaruwa umufungwa yandikiye Avoka yoherezwa kuri aderese Avoka akoresha mu rwego rw'akazi ke, yandikishije mu Biro bya Gerefiye. Mu gihe hatanzwe indi aderese, amabaruwa umufungwa yandikiye Avoka agarurirwa umufungwa adafunguwe bakamubwira ko hakurikijwe ibiteganywa n'iyi Ngingo.

GUHAMAGARA NO GUHAMAGARWA KURI TEREFONE

Ingingo ya 8

(A) Komanda agira igitabo cyandikwamo incuro zose umufungwa ahamagaye, harimo amazina y'umufungwa, nomero ya terefone ahamagaye, isaha n'itariki ahamagariyeho n'andi makuru Komanda abona ko afite akamaro.

(B) Komanda yakira amaterefone yose ahamagaye agenewe umufungwa kandi akayamumenyesha. Iyo asanze ari ngombwa, Komanda ashobora kwemerera umufungwa kwakira terefone imuhamagaye ku mpamvu zihutirwa, maze ibirebana n'amakuru arambuye kuri yo terefone yakiriwe bikandikwa mu gitabo kivugwa mu Ngingo ya 8(A).

(C) Abafungwa bashobora guhamagara kuri terefone mu gihe batari mu twumba bafungiranwamo, haseguriwe gahunda ya buri munsi yubahirizwa muri Gereza ya IRMCT kandi iyo hari uburyo bwo guterefona. Iyo abona ari ngombwa, Komanda ashobora kwemerera umufungwa guhamagara kuri terefone mu yandi masaha atari ayo.

(D) Kugira ngo habeho umudendezo muri Gereza ya IRMCT, Komanda, abigiyeho inama na Gerefiye, ashobora kugena igihe ntarengwa gishyize mu gaciro umufungwa ashobora kumara akoresha terefone.

Ingingo ya 9

(A) IRMCT yishyura amafaranga akoreshwa na buri mufungwa ahamagara kuri terefone, incuro zishyize mu gaciro, nk'uko zigenwa na Komanda.

(B) Abafungwa bashaka guhamagara kuri terefone incuro z'inyongera bagomba kwiyishyurira amafaranga bitwara. Umufungwa udafite amikoro yo kwiyishyurira izo ncuro z'inyongera ashobora gusaba Komanda uburenganzira bwo guterefona amafaranga akishyurwa na IRMCT.

Ingingo ya 10

(A) Abafungwa bashobora gukoresha imirongo ya terefone y'ibanga n'itari iy'ibanga.

(B) Ibiganiro byose byo ku murongo wa terefone utari ibanga bishobora gufatwa amajwi

hakoreshejwe uburyo bwa eregitoronike ariko ntibyumvirizwa haseguriwe ibiteganywa n'Ingingo ya 11. Uretse iyo afashwe nk'ibimenyetso by'ikosa, amajwi yose y'ibiganiro byo kuri terefone afashwe asibwa mu gihe kitarenze amezi umunani (8) kuva igihe yafatiwe.

(C) Ibiganiro ku murongo wa terefone w'ibanga ntibifatwa amajwi cyangwa ngo byumvirizwe, nk'uko Ingingo ya 12 ibiteganya. Komanda agomba kubanza kwemeza amanomero ya terefone yose umufungwa ahamagara hamwe n'abantu bose ahamagara. Abafungwa bashobora gusa gukoresha umurongo wa terefone w'ibanga iyo ibyo bawuvugiraho birebana n'impamvu yashingiweho mu kwemeza abantu bahamagarwa n'amanomero bahamagarwaho.

Ingingo ya 11

(A) Kugira ngo habungabungwe umutekano n'umudendezo muri Gereza ya IRMCT no mu nyungu z'imirimo y'ubutabera, Komanda ashobora kumviriza 10% by'ibiganiro byo ku murongo wa terefone utari ibanga cyangwa amajwi y'ibyo biganiro yafashwe kandi agakora incamake yabyo, ibyo ariko akabikora atibasiye umufungwa runaka.

(B) Iyo Gerefiye afite impamvu zishyize mu gaciro zituma atekereza ko umufungwa cyangwa umuntu umufungwa ashaka kuvugana cyangwa kwandikirana na we ashobora kuba yakoze cyangwa arimo gukora ikosa, ashobora gutegeka Gereza ya IRMCT kumviriza no gukora incamake y'ibiganiro umufungwa runaka uvugira ku murongo wa terefone utari uw'ibanga, harimo:

(i) amajwi y'ibiganiro yafashwe mbere; na/cyangwa

(ii) ibiganiro kuri terefone bizakorwa, mu gihe runaka gishobora kongerwa ariko kitarenze iminsi 30.

(C) Gerefiye amenyesha umufungwa n'Avoka impamvu iryo tegeko ryatanzwe mu gihe kitarengeje umunsi umwe (1) w'akazi keretse iyo Gerefiye asanze kubimenyesha umufungwa n'Avoka bishobora kubangamira iperereza kuri icyo kibazo.

(D) Gerefiye amenyesha Perezida ko iryo tegeko ryongerewe igihe kandi ritagomba rigomba kurenza iminsi 30.

Ingingo ya 12

(A) Ibiganiro bikozwe ku murongo wa terefone w'ibanga byumvirizwa cyangwa bigafatwa amajwi iyo hari impamvu zidasanzwe gusa, nk'iyo Gerefiye afite impamvu zishyize mu gaciro zituma akeka ko umufungwa cyangwa umuntu umufungwa ashaka kuvugana na we, ashobora kuba yakoze cyangwa arimo gukora ikosa. Icyo gihe, Gerefiye ashobora gutegeka Gereza ya IRMCT kugenzura, ifata amajwi cyangwa yumviriza cyangwa inakora incamake z'ibindi biganiro umufungwa azagirira ku murongo wa terefone w'ibanga mu gihe runaka gishobora kongerwa ariko kitarenze iminsi 30.

(B) Mbere y'uko ibyo biganiro byo kuri terefone bigenzurwa, Gerefiye amenyesha umufungwa n'uhamagarwa bagomba kugenzurwa impamvu iryo tegeko ryatanzwe keretse iyo Gerefiye abona ko kubibamenyesha bishobora kubangamira iperereza kuri icyo kibazo.

(C) Gerefiye amenyesha Perezida buri gihe iryo tegeko ryongerewe igihe ariko kitarenza iminsi 30. Ayo maraporo agomba kuba arimo impamvu z'iryo genzura n'amakuru agaragaza niba umufungwa n'umuntu uhamagarwa bagomba kugenzurwa babimenyeshejwe. Ayo maraporo agezwa kuri Perezida bidatinze nk'uko biteganywa n'Ingingo ya 72 n'iya 73 z'Amategeko agenga ifungwa.

GUSURA ABAFUNGWA

Ingingo ya 13

Abafungwa bafite uburenganzira bwo gusurwa n'abantu bo mu miryango yabo, incuti zabo n'abandi, haseguriwe ibivugwa mu Ngingo kuva ku ya 70 kugera ku ya 79 z'Amategeko agenga ifungwa.

Ingingo ya 14

Komanda, abigiyeho inama na Gerefiye, ashyiraho amasaha ya buri munsi abafungwa bemerewe gusurwa, hitawe ku bintu bishyize mu gaciro bigomba gukorwa muri gahunda ya buri munsi muri Gereza ya IRMCT no kuba hashobora kuboneka abakozi bakira abo bashyitsi n'aho bakirirwa.

Ingingo ya 15 – Gusaba kuba mu bantu bemerewe gusura umufungwa

(A) Uretse aho Ingingo ya 17 ibiteganya ukundi, abantu bose bifuza gusura umufungwa bagomba kwandikira Komanda, mu rurimi rukoreshwa na IRMCT cyangwa mu rurimi rw'umufungwa, basaba kuba mu bantu bemerewe gusura uwo mufungwa. Byongeye kandi, umufungwa agomba kwandikira Komanda ashyigikira icyifuzo cy'uwasabye kuba mu bantu bemerewe kumusura. Amabaruwa asaba gushyirwa mu bantu bemerewe gusura umufungwa agomba kugaragaza isano ubisaba afitanye n'umufungwa n'impamvu y'uko kumusura yemerewe.

(B) Komanda, abigiyeho inama na Gerefiye, yemerera cyangwa akangira umuntu wasabye kuba kuba mu bantu basura umufungwa ashingiye ku biteganywa n'aya Mabwiriza n'Amategeko agenga ifungwa mu gihe kitarenze iminsi itanu (5) y'akazi kuva igihe yakiriye ubusabe bwuzuye n'igisubizo cy'umufungwa.

(C) Iyo Komanda yemeye ubwo busabe, uwasabye kuba mu bantu bemerewe gusura umufungwa yandikwa kuri risite y'abantu bemerewe gusura umufungwa runaka kandi umufungwa n'uwasabye gushyirwa mu bantu bemerewe kumusura bombi barabimenyeshwa.

(D) Iyo Komanda yanze ubwo busabe, uwo muntu wasabye n'umufungwa bombi barabimenyeshwa kandi bakabwirwa impamvu zatumye ubusabe bwabo buterwa utwatsi.

(E) Umuntu ashobora kuvanwa kuri risite y'abantu bemerewe gusura umufungwa hashingiwe ku biteganywa n'Ingingo ya 3.

Ingingo ya 16 – Gusaba gusurwa

(A) Iyo umuntu yamaze gushyirwa kuri risite y'abantu bemerewe gusura umufungwa hashingiwe ku Ngingo ya 15(C) kandi atari mu bihe bidasanzwe, umufungwa ni we wenyine ushobora kwandikira Komanda amusaba gusurwa kandi akabikora hasigaye nibura iminsi itanu (5) y'akazi mbere y'itariki yo gusurwa.

(B) Komanda yemera cyangwa akanga icyifuzo gisaba gusurwa umufungwa yatanze hashingiwe ku biteganywa n'aya Mabwiriza n'Amategeko agenga ifungwa mu gihe

kitarenze iminsi 3 y'akazi kuva igihe yakiriye icyifuzo umufungwa yatanze mu nyandiko.

(C) Iyo Komanda yemeye ubwo busabe, abimenyesha umufungwa mu nyandiko. Umufungwa ni we ugomba kumenyesha ushaka cyangwa abashaka kumusura igihe bemerewe kumusurira.

(D) Iyo Komanda yanze ubwo busabe bw'umufungwa, abimenyesha umufungwa n'ushaka cyangwa abashaka kumusura. Umufungwa n'ushaka cyangwa abashaka kumusura bamenyeshwa kandi impamvu ubwo busabe bwatewe utwatsi.

Ingingo ya 17 – Gusurwa n'Avoka, abahagarariye ibihugu byabo, abahagarariye amadini, n'ababisabwa n'akazi bakora

(A) Iyo Gerefiye amaze kwemera Avoka, Komanda yemerera uwo Avoka gusura umufungwa mu gihe cyose amara amwunganira. Akimara guhabwa urwo ruhushya, Avoka ashobora kuvugana na Gereza ya IRMCT kugira ngo yumvikane na yo igihe cyo gusura umufungwa.

(B) Iyo Gerefiye amaze kwemera abagize ikipe y'Ubwunganizi, Komanda abemerera gusura umufungwa igihe cyose bafite umurimo wo kumwunganira. Abagize ikipe y'Ubwunganizi bashobora gusura umufungwa gusa iyo bafite uruhushya rw'Avoka w'umufungwa, ari na we ufite inshingano yo gucunga imyitwarire y'abagize ikipe y'Ubwunganizi ye. Abagize ikipe y'Ubwunganizi bavugana na Gereza ya IRMCT kugira ngo bumvikane ku gihe cyo gusura umufungwa.

(C) Hashingiwe ku Ngingo ya 72 y'Amategeko agenga ifungwa, Komanda ashobora kwemerera umufungwa gusurwa n'uhagarariye igihugu umufungwa akomokamo cyangwa uhagarariye inyungu z'igihugu cye cyangwa uhagarariye ikindi gihugu mu gihugu gicumbikiye IRMCT kandi wemerewe guhagararira inyungu z'abenegihugu b'igihugu umufungwa akomokamo. Iyo amaze guhabwa urwo ruhushya, uhagarariye igihugu bireba cyangwa uhagarariye inyungu z'igihugu cye mu gihugu gicumbikiye IRMCT ashobora kuvugana na Gereza ya IRMCT kugira ngo bumvikane ku gihe cyo gusura umufungwa.

(D) Hashingiwe ku Ngingo ya 79(3) y'Amategeko agenga ifungwa, iyo Gerefiye amaze gushyiraho uhagarariye idini cyangwa uhagarariye imyemerere ubifitiye ubushobozi, Komanda ashobora kumuha uruhushya rwo gusura umufungwa. Iyo amaze guhabwa urwo ruhushya, uhagarariye idini washyizweho ashobora kuvugana na Gereza ya IRMCT kugira ngo bumvikane ku gihe cyo gusura umufungwa.

(E) Hashingiwe ku Ngingo ya 70 n'iya 71 z'Amategeko agenga ifungwa, Komanda ashobora guha uruhushya rwo gusura umufungwa undi muntu utari Avoka, uhagarariye igihugu cye cyangwa uhagarariye idini cyangwa imyemerere runaka, uwo muntu akaba agomba kuvugana n'umufungwa bitewe n'akazi akora. Akimara guhabwa urwo ruhushya, uwo muntu ashobora kuvugana na Gereza ya IRMCT kugira ngo bumvikane ku gihe cyo gusura umufungwa.

Ingingo ya 18

(A) Kugira ngo yinjire muri Gereza ya IRMCT, umuntu wese uje gusura umufungwa agomba:

(i) kwerekana icyangombwa kimuranga kiriho ifoto ye cyemewe na Gereza ya IRMCT naho i Lahe kikagomba kuba cyemewe na Gereza y'igihugu icumbikiye iya IRMCT; agomba kandi

(ii) kubahiriza ibisabwa birebana n'umutekano wa Gereza ya IRMCT na Gereza y'igihugu icumbikiye iya IRMCT i Lahe. Ibyo bikubiyemo kwemera ko ibintu afite bigenzurwa hakoreshejwe amamashini akoresha imirasire ya "X" no gusakwa ku mubiri hakurikijwe ibiteganywa n'Ingingo ya 77 y'Amategeko agenga ifungwa.

(B) Haseguriwe ibiteganywa n'Ingingo ya 3 n'iya 4, gusaka Avoka ntibirimo gusoma cyangwa gukora amakopi y'inyandiko azana kuri Gereza ya IRMCT zijyanye no kunganira umufungwa mu by'mategeko.

(C) Abafungwa bagomba kumenyeshwa umwirondoro wa buri muntu uje kubasura kandi bashobora kwanga kubonana n'umuntu uwo ari we wese uje kubasura uretse uhagarariye Gerefiye.

Ingingo ya 19

(A) Komanda yandika amakuru yose yerekeranye na buri gikorwa cyo gusura, nk'amazina y'umufungwa, amazina n'aderese by'uje kumusura, isaha n'itariki n'andi makuru Komanda abona ko afite akamaro.

(B) Gusura umufungwa bigomba kubera ahantu abakozi ba Gereza ya IRMCT bareba, keretse igihe umufungwa usuwe agiye kuryamana n'uwo bashakanye cyangwa undi mugenzi we babana nk'umugabo n'umugore. Komanda, abigiyeho inama na Gerefiye, ashobora gutanga amabwiriza ngenderwaho agenga uburyo umufungwa asurwa akaryamana n'uwo bashakanye cyangwa na mugenzi we babana nk'umugore n'umugabo.

(C) Uretse abavoka, nta muntu usura umufungwa wemerewe kugira ikintu ahererekanya n'umufungwa mu gihe yamusuye. Abantu basuye umufungwa bagomba kunyuza kuri Komanda ibintu byose bigenewe umufungwa mbere yo kumusura hanyuma ibyo bintu Komanda akabitanga hakurikijwe ibiteganywa n'Ingingo ya 87 y'Amategeko agenga ifungwa.

(D) Avoka ashobora guhererekanya n'umufungwa, mu buryo butaziguye, inyandiko zerekeranye n'urubanza igihe amusuye, izo nyandiko zikaba zifatwa nk'amabaruwa muri aya Mabwiriza. Avoka agomba gushyikiriza Komanda ibindi bintu byose bitari inyandiko zerekeranye n'urubanza mbere yo gusura umufungwa, Komanda akabitanga hakurikijwe ibiteganywa n'Ingingo ya 87 y'Amategeko agenga ifungwa.

Ingingo ya 20

(A) Iyo Komanda afite impamvu zishyize mu gaciro zituma atekereza ko umufungwa cyangwa uwamusuye ashobora kuba yakoze cyangwa ashobora kuba arimo gukora ikosa, ashobora gutegeka, nyuma yo kugisha inama Gerefiye, gufata amajwi, kumviriza na/cyangwa gukora incamake y'ibyavuzwe mu gihe cyo gusura umufungwa, uretse igihe yasuwe n'Avoka n'igihe yasuwe n'abahagarariye ibihugu byabo mu gihugu gicumbikiye IRMCT. Iryo tegeko rishobora kongererwa igihe kitarenze iminsi 7 yo gusura umufungwa.

(B) Iyo hatanzwe iryo tegeko:

(i) Komanda amenyesha umufungwa n'Avoka impamvu zashingiweho mu gutanga iryo tegeko mu gihe kitarenze umunsi umwe (1) w'akazi keretse iyo Komanda abona ko kubimenyesha umufungwa n'Avoka bishobora kubangamira iperereza kuri icyo kibazo;

(ii) Komanda yandika itariki iryo tegeko ritangiweho, itariki n'isaha bya buri gikorwa cyo gusura cyafashwe amajwi n'incamake zose zakozwe; kandi

(iii) Gerefiye ashyikiriza Perezida raporo igihe cyose iryo tegeko ryongeye gutangwa, ariko mu gihe kitarengeje iminsi irindwi (7) yo gusura, akamenyesha niba umufungwa n'Avoka barabimenyeshejwe.

(C) Uretse igihe afatwa nk'ibimenyetso by'icyaha, amajwi yose y'ibiganiro hagati y'umufungwa n'abamusuye asibwa mu gihe kitarenze ibyumweru bine (4) kuva igihe afatiwe.

Ingingo ya 21

(A) Ibyo Avoka cyangwa abantu bahagarariye igihugu cyangwa inyungu z'igihugu bavugana n'umufungwa iyo bamusuye byumvirizwa, bifatwa amajwi na/cyangwa hakorwa incamake yabyo gusa iyo Gerefiye atanze itegeko ko bikorwa, mu bihe bidasanzwe iyo hari impamvu zishyize mu gaciro zituma Gerefiye atekereza ko Avoka, cyangwa abantu bahagarariye igihugu cyangwa inyungu zacyo bashobora kuba bakoze cyangwa barimo gukora ikosa.

(B) Iyo ari ngombwa ko iryo tegeko ritangwa:

(i) Gerefiye agomba kubanza kumenyesha umufungwa n'Avoka impamvu z'iryo tegeko keretse iyo Gerefiye abona ko kubimenyesha umufungwa n'Avoka bishobora kubangamira iperereza kuri icyo kibazo;

(ii) Iyo iryo tegeko ryongerewe igihe, kitagomba kurenza iminsi irindwi (7) yo gusura, Gerefiye ashyikiriza Perezida raporo agaragaza niba umufungwa n'Avoka barabimenyeshejwe. Ayo maraporo agezwa kuri Perezida vuba bishoboka nk'uko biteganywa n'Ingingo ya 72 n'iya 73 z'Amategeko agenga ifungwa; kandi

(iii) Komanda yandika itariki iryo tegeko ritangiweho, itariki n'isaha bya buri gikorwa

cyo gusura cyafashwe amajwi n’incamake zose zakozwe.

(C) Uretse iyo afashwe nk’ibimenyetso by’ikosa, amajwi yose y’ibiganiro hagati y’umufungwa n’abamusuye asibwa mu gihe kitarenze ibyumweru bine (4) kuva igihe yafatiwe.

UBUNDI BURYO BWO GUHANA UBUTUMWA

Ingingo ya 22

Ubundi buryo bwo guhererekanya amakuru butari ubuvugwa muri aya Mabwiriza, nk’uko buteganywa n’Ingingo ya 71 y’Amategeko agenga ifungwa, bugengwa n’andi mabwiriza n’ibisabwa kubahirizwa byihariye bigenwa kandi bigatangazwa na Komanda, abigiyeho inama na Gerefiye.

KUBYUTSA IBIBAZO

Ingingo ya 23

Umufungwa wanze icyemezo gifashwe hashingiwe ku biteganywa n’aya Mabwiriza ashobora kubyutsa ikibazo anyuze mu nzira ziteganywa n’Amabwiriza yerekeye uburyo abafungwa bamenyekanisha ibibazo bafite (MICT/25) nk’uko yavuguruwe nyuma) n’Ingingo 92-96 z’Amategeko agenga ifungwa.