REPUBULIKA Y'U RWANDA

MINISITERI Y'UBUTABERA
P.O BOX 160 KIGALI

IJAMBO RYA MINISITIRI W'UBUTABERA MU NTEKO RUSANGE Y'URUGAGA RW'ABAVOKA MU RWANDA

KIGALI, KU WA 19/12/2024

- Bwana Perezida w'Urugaga rw'Abavoka,
- Abavoka mwese muteraniye aha,

1. Nejejwe no kuba natumiwe muri iyi nteko rusange y'Urugaga rw'Abavoka mu Rwanda, kugira ngo tuganire cyane cyane turebera hamwe icyakomeza guteza imbere umwuga w'abavoka n'ubutabera muri rusange.

2. Nta gushidikanya ko twishimira aho uyu mwuga wo kunganira abandi mu nkiko mu Rwanda ugeze, kuko wateye imbere ku buryo bugaragarira buri wese cyane cyane mu myaka 30 ishize. Urugaga rw'Abavoka nka rumwe mu nzego zigize Urunana n'inzego z'Ubutabera rugomba kugira uruhare runini mu kubaka ubutabera twifuza. By'umwihariko, abavoka murasabwa gutanga umusanzu mu gufasha ubutabera, binyuze mu gushyigikira no gukangurira abo mwunganira kwifashisha ingamba na politiki igihugu kigenda gishyiraho zigamije kubaka ubutabera bunoze.

3. Zimwe muri izo ngamba na politiki harimo "**Politiki yo gukemura amakimbirane hatisunzwe Inkiko"** (*ADR policy)* **ndetse na "Politiki y'ubutabera mpanabyaha"** (*Criminal Justice Policy*)**.** Izi politiki zikaba

zaremerejwe rimwe n'Inama y'Abaminisitiri muri Nzeri 2022. Mu nteko y' uyu munsi rero, ndibanda ku bimaze kugerwaho mu ishyirwa mu bikorwa ry'izi politiki hamwe n'ibiteganijwe gukorwa mu gihe kiri imbere.

4. Mpereye kuri "**Politiki yo Gukemura amakimbirane hatisunzwe Inkiko *(ADR policy)***", navuga ko ari politiki yemejwe nyuma y'ubushakashatsi, bwagaragaje ko gukemura amakimbirane hatisunzwe inkiko, bishoboka kuko byahozeho na mbere mu Rwanda. Urugero twese tuzi uburyo bwa Gacaca bwitabajwe nyuma ya Jenoside yakorewe abatutsi kugira ngo hatangwe ubutabera ariko bugamije no kongera kubanisha abanyarwanda, ubu buryo bwanakoreshejwe n'abakurambere bacu mu rwego rwo gukemura amakimbirane ariko bigamije no kubanisha abanyarwanda.

5. Itegeko Nshinga rya Repubulika y'u Rwanda naryo, ryimakaza umuco wo "gukemura ibibazo mu nzira y'ibiganiro n'ubwumvikane" nk'inkingi ya mwamba yo gusigasira ubumwe n'imibanire myiza y'Abanyarwanda. Ni muri urwo rwego iyi "Politiki yo Gukemura Amakimbirane Hatisunzwe Inkiko" igamije kongera kubaka no gushyigikira umuco wo gukemura amakimbirane mu bwumvikane, uburyo bugarura imibanire y'abanyarwanda kandi bugabanya ikiguzi n'umwanya abantu batanga mu nzira z'inkiko.

6. Iyo urebye uburyo bwo gukemura ibibazo abantu batisunze inkiko, usanga bufite ibyiza bikurikira :

- **Ubwisanzure bwo kugena uko ibintu bigenda**: kuko mu rukiko hakurikizwa amategeko agena uko imiburanishirizwe y'imanza igenda. Ufite ibimenyetso niwe utsinda.

- **Ikiguzi gito ugereranije no mu nkiko**: Ikurikiranarubanza ritwara amafaranga menshi. Hari amafaranga akenerwa mu nkiko yo kwishyura igarama, umwunganizi mu rukiko, amafaranga y'umuhesha w'inkiko

w'umwuga, ay'ingendo za hato na hato mu ikurikiranarubanza, ifunguro n'icumbi mu gihe ugannye urukiko rukuri kure, ndetse no gufasha abatangabuhamya.

- **Igihe bitwara:** Iyo abafitanye amakimbirane bihuje ngo bikemurire ikibazo cyangwa iyo bifashishije umuhuza, umwunzi/abunzi cyangwa izindi nzego nabo bakagaragaza ubushake, ikibazo cyabo bakagikemura mu gihe gito gishoboka, kandi neza ugereranije n'igihe bari kuzamara mu rukiko.

- **Gushyira mu bikorwa umwanzuro w'ubuhuza biroroha:** Gushyira mu bikorwa umwanzuro w'ubuhuza biroroha kuko hatabaho gutsinda no gutsindwa kandi ba nyir'ubwite aribo baba babigizemo uruhare, ni nabo bishyirira mu bikorwa umwanzuro bemeranijwe.

7. **Ibimaze gukorwa mu gushyira mu bikorwa politiki yo gukemura amakimbirane hatisunzwe inkiko *(ADR policy)* ni ibi bikurikira:**

- Hashyizweho Ikigo giteza imbere uburyo bwo gukemura amakimbirane hatisunzwe inkiko *(Alternative Dispute Resolution Centre)*. Ndabakangurira kuyigana, mukayisura, mukamenya imikorere yayo aho iherereye i Nyamirambo;

- Abatanga serivisi za ADR bakomeje gufasha abafitanye amakimbirane kuyakemura mu bwumvikane. By'umwihariko, kuva mu mwaka wa 2022 kugeza mu kwezi kwa 10/2024 imanza mbonezamubano n'iz'ubucuruzi zigera ku **4,312** zakemuwe binyuze mu buhuza;

- Ni mu gihe kuva mu kwa 10/2022 kugeza mu kwa 11/2024, imanza nshinjabyaha **14,891** nazo zimaze gucibwa hifashishijwe ubwumvikane bushingiye ku kwemera icyaha *(Plea-bargaining);*

- Hateguwe agatabo kiswe "Iby'Ingenzi wamenya kuri Politiki yo Gukemura amakimbirane hatisunzwe inkiko" kazajya kifashishwa mu

bukangurambaga, cyane cyane mu nzego zegereye abaturage nako muzagashake mugasome;

8. Naho ku bireba **politiki y'ubutabera mpanabyaha (*Criminal Justice Policy*),** naho hari byinshi bimaze gukorwa kuva iyi politiki yakwemezwa n'Inama y'Abaminisitiri. Muri byo twavuga:

- Kuvugurura itegeko ryerekeye ibyaha n'ibihano muri rusange ndetse n'itegeko ryerekeye imiburanishirize y'imanza z'inshinjabyaha. Zimwe mu mpinduka z'ingenzi zazanywe n'ivugururwa ry'aya mategeko harimo:

  - Guha abacamanza ubwinyagamburiro bwo kuba bashobora kugabanya ibihano igihe hari impamvu nyoroshyacyaha, kuko itegeko ryariho hari ibyaha bimwe na bimwe ibihano byabyo bitashoboraga kugabanywa n'ubwo umucamanza yabona ko hari impamvu nyoroshyacyaha. Ibi bikaba byaratumaga abacamanza badakoresha ubushishozi bwabo mu kugena ibihano bikwiriye;

  - Guha urwego rw'ubugenzacyaha ububasha bwo gushyingura dosiye igihe bibaye ngombwa kandi ku mpamvu ziteganywa n'itegeko;

  - Kongerera Ubushinjacyaha ububasha bwo gutangiza ubwumvikane hagati y'ukekwaho icyaha n'uwakorewe icyaha kuri bimwe mu byaha bihanishwa igihano cy'igifungo kitarenze imyaka itanu;

  - kugabanya igihe cy'igifungo gisabwa kurangizwa n'usaba gufungurwa by'agateganyo ku muntu wakatiwe, n'ibindi.

- Hashyizweho Iteka rya Perezida rigena uburyo bwo gukora igihano cy'imirimo y'inyugu rusange ku bantu bakatiwe icyo gihano n'urukiko;

- Hashyizweho amabwiriza ya Perezida w'Urukiko rw'Ikirenga agenga ubwumvikane bushingiye ku kwemera icyaha;

- Hubatswe ikigo gishinzwe gusubiza mu buzima busanzwe abagiye kurangiza ibihano *(Halfway home)* giherereye i Rwamagana. Phase I igeze ku musozo aho biteganyijwe ko izakira abagororwa b'igitsina gore bagera kuri 250 muri Gashyantare 2025.

9. Izi politiki uko ari ebyiri kandi (ADR & criminal justice) zakorewe ubukangurambaga butandukanye hagamijwe kuzimenyekanisha. Aha twavuga:

- Abakozi ba Minisiteri 15 n'ibigo bizishamikiyeho baziganirijwe;
- Abakozi b' imitwe yombi y'Inteko Ishinga amategeko;
- Abakozi b'Urwego rw'Ubucamanza;
- Abakozi b'Uturere 27 ku turere 30;
- Abafashamyumvire 30 ku rwego rw'umurenge, ubukangurambaga bukaba bumaze kugera mu mirenge 407/416;

- Inshuti z'Umuryango 30 mu murenge, ubu tumaze kugera mu mirenge 160/416;
- Guhugura Urubyiruko rw'Abakorerabushake, nibura 30 muri buri karere, ubu tumaze guhugura mu turere 30/30;

- Abagize Komite Nkemurampaka mu Rwego rw'abikorera (PSF) ku rwego rw'akarere mu turere tugize Umugi wa Kigali;

- Ndetse n'imiryango itegamiye kuri Leta, amadini n'amashuri.

10. Muri ubu bukangurambaga, ubutumwa bumaze kugera ku bantu bagera ku **34,939** naho ibiganiro byatanzwe mu bitangazamakuru bitandukanye *(classic media and social media platforms)* bigaragara ko ubutumwa bwageze ku bantu bagera **2,500,000**

Imbogamizi zikigaragara:

- Bamwe mu bashyira mu bikorwa izi politiki (ya mwe abavoka, abashinjacyaha, abagenzacyaha, n'abakozi b'inkiko) ntibarumva neza akamaro ka ADR processes; **(To elaborate on this)**

- Hari na bamwe mu bavoka babona ubu butabera nk'ubuje kubambura akazi; **(To elaborate on this)**

- Abaturage bagitsimbaraye ku kujyana imanza mu nkiko;

- Ubushobozi budahagije cyane cyane mu guhugura abazikoresha *(practitioners),* n'ibindi.

Ibiteganywa gukomeza gukorwa ni ibi bikurikira:

- Gukomeza kunoza imikorere ya ADR Centre no kwagura amashami yayo;

- Kuzuza no kwagura *Halfway homes* no kunoza imikorere yazo;

- Kunoza urutonde rw'abatanga serivisi za ADR, kubashyira mu byiciro hagendewe kuri serivisi batanga n'aho bakorera no guhuza imikorere yabo n'iy'inkiko;

- Gutegura imfashanyigisho ihuriweho n'ibyiciro byose bitanga serivisi za ADR *(Integrated ADR Training Module)* mu rwego rwo kunoza uburyo bwo kubaka ubushobozi bw'abatanga serivisi za ADR na CJ policies;

- Gukomeza kubaka ubushobozi bw'inzego n'abakozi hagamijwe kugera ku musaruro unoze mu gukemura amakimbirane hadakoreshejwe imanza;

- Gukomeza kunoza ubuhuzabikorwa (kuva ku igenamigambi ry'ibikorwa kugera kuri raporo y'ibyakozwe).

11. Mu gusoza, nagira ngo nsabe abavoka mwese gukomeza gufasha mu ishyirwa mu bikorwa ry'izi politiki hagamijwe gutanga ubutabera bunoze. Mwabonye ko ibimaze gukorwa ari byinshi ariko hari n'ibigikenewe gukorwa kandi bikeneye umusanzu wacu twese. Tuzakomeza kandi no kwakira ibitekerezo byadufasha kurushaho kunoza imikorere no gushyira mu bikorwa izi ngamba twiyemeje.

Murakoze kandi muzagire umwaka mushya muhire!